China Governance System Research Series

Ning Fang *Editor*

China's Political System

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Editor
Ning Fang
Institute of Political Sciences
Chinese Academy of Social Sciences
Beijing, China

Translated by
Yili Fu
Department of Foreign Languages
Sun Yat-sen University
Beijing, China

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Series Preface

Since the Reform and Opening-up, China's economy and society have soared in development and much has been achieved in building socialism with Chinese characteristics. The achievements, collectively called "the China model", "the China miracle", or "the China path", have enjoyed worldwide recognition and acclamation although at the same time been questioned, twisted, and even attacked. Unfortunately, the acclamation is mostly out of recognition of China's success in economic development, but not from in-depth analysis, understanding, or applause of the systematic factors lying behind the success. Lack of understanding of China's systems is only one of the reasons, and the other, more important reason is that most people would not let go the "Western-centrism" that they deem modern. In addition, we are equally to blame because, for a long time, we have not explored and studied our socialist system with Chinese characteristics sufficiently and are thus not fully aware of and confident in it. As a matter a fact, the sustained rapid growth with the accompanying huge achievements for nearly 40 years cannot be an accident, but a result of historical continuity. There are reasons why China has successes, and the reasons are the "China theory" and the "China system". Put in other words, the achievements China has made in reforms and development are rooted in progressions of the system. As remarked by General Secretary Xi Jinping in his speech on the ceremony to celebrate the 95th anniversary of the founding of the Communist Party of China (CPC), "we must firmly believe that the socialist system with Chinese characteristics guarantees the progressive advancements of modern China fundamentally and that it is a characteristically Chinese, advantageous, strong, self-correcting and advanced system."[1]

In the practice of revolution and socialist modernization in China and on the winding road to the great revival of the Chinese nation, CPC has led the Chinese people to find a socialist path, a theoretical paradigm and a system with Chinese characteristics through arduous and complex explorations. The socialist path with

[1]Xi, Jinping, *Speech on 95th Anniversary of Founding of Communist Party of China*, People's Publishing House, 2016, p. 13.

Chinese characteristics is the way to realize modernization, the socialist theoretic paradigm with Chinese characteristics, the guide for actions, and the socialist system with Chinese characteristics, the fundamental guarantee, which are all integrated together in the great practice of socialism with Chinese characteristics. The socialist theoretic paradigm with Chinese characteristics must be eventually manifested in practice and implemented in the establishment of institutions. The results and experiences of the practices of socialism with Chinese characteristics need rules and regulations to be protected and consolidated. The Reform and Opening-up and the sustainable development of socialism with Chinese characteristics must be grounded on a system of institutions with Chinese characteristics that is comprehensive, scientific, and effective.

The modern system of China's institutions is formed through history. Our confidence in it is rooted in our rich heritage of history, culture, traditions, and practices, which collectively form unique characteristics. Unique national conditions, historical rises and falls, and cultural traditions have made China's unique system. The richness of China's history and culture is manifested in the following two aspects most prominently. The first is the global vision. China has tolerated, digested, and integrated numerous cultural factors of various nations along the history, which has continuously re-energized its own culture. The second is a love for family and country. The Chinese bear the traditional gene that seeks unification and opposes separation of China, which has united all the Chinese with a deep love for the country and a strong bond among the nation. These historical and cultural traditions have shaped the modern system in China deeply. The Chinese have struggled in pursuit of a prosperous country, a strong nation, and a happy people since the recent history, and have walked a walk with Chinese characteristics of revolutions, establishments, and development driven by reforms and opening-ups and formed a whole system of politics, economics, culture, and society step by step. As pointed out sharply by General Secretary Xi Jinping, "China's pathway of socialism with Chinese characteristics was found through the great practices for more than 30 years of the Reform and Opening-up, through the explorations for more than 60 years since the establishment the People's Republic of China, through in-depth conclusions of the development course of more than 170 years of recent history, and through inheriting and passing on the Chinese civilization of more than 5000 years, and thus is deeply rooted in history and widely supported in reality."[2] These remarks by General Secretary Xi Jinping offer clear and in-depth description on the historical heritage and practical foundation of China's system.

The modern system of institutions in China has been continuously perfected in practice. The leaders of the first generation in the Central Committee of CPC with Comrade Mao Zedong as the core led the party and the people of all ethnic groups in China to complete the new democratic revolution and the socialist transformation, establish the basic system of socialism, succeed in the social transformation that was the deepest and greatest in China's history, and lay foundations in politics

[2]*Series of Major Speeches by General Secretary Xi Jinping*, Xuexi Press and People's Publishing House, 2014, p. 30.

and institutions for China's further development. The leaders of the second generation with Comrade Deng Xiaoping as the core led the party and the people of all ethnic groups in China to draw in-depth conclusions, both positive and negative, of the building of China's socialism, make the historic decision that the major tasks of the party and the country transition to the track of economic development, start the Reform and Opening-up, and push for further development and perfection of China's system. Comrade Deng Xiaoping paid close attention to the construction of the socialist system with Chinese characteristics. In fact, he proposed the goal for the system construction as early as 1992: "it will probably take us another 30 years to have a comprehensive and mature system from all aspects, and the principles and policies in this system will be more fixed."[3]

In the recent period of nearly 40 years, we established a basic economic system and allocation system with public ownership in dominance and mutual development of various types of ownership under the guidance of CPC's "one center, two basics points" and in the great practice of the Reform and Opening-up; we established the law system with Chinese characteristics that met the demands of the socialist market economy; we further perfected the basic political system that was centered on the National People's Congress in cooperation with and seeking consultation from multiple parties under the leadership of CPC together with autonomy of ethnical regions and grass-root units; and based on all these, we established, step by step, various detailed regulations of economic, political, cultural, and social institutions, together with the institutions of the National Congress of CPC (NCCPC), democratic centralism, tenure of leaders and cadres, selection and appointment of talents, and monitoring in the party. All these institutions are connected and coordinated with each other and have formed an entire web of systems in modern China.

Since the 18th NCCPC, the Central Committee with Comrade Xi Jinping as the core has continuously pushed for innovations in practices, theories, and systems. The 3rd Plenary Session of the 18th NCCPC specified in particular to comprehensively deepen the reform, perfect, and develop the socialist system with Chinese characteristics, and promote the modernization of national governance. It signaled that the building of the system had been promoted to the importance of modernizing national governance. Detailed measures include actively exploring an effective self-monitoring mechanism in long-term rule, deepening the reform on national monitoring and supervision, establishing a supervision committee, drafting and perfecting the law of supervision, establishing an anti-corruption working system under the uniform leadership of CPC, releasing "Regulations of Self-Monitoring of the Communist Party of China", integrating the comprehensively strict management of the party with comprehensive deepening of the reform and comprehensive rule of law, and strengthening the self-cleaning, self-perfection, self-revolution, and self-improvement of CPC. Major progress has been made in strengthening the system building of power monitoring, and the integration of rule

[3]*Selected Works of Deng Xiaoping*, vol. 3, People's Publishing House, 1993, p. 372.

of law inside CPC and rule of law nationally has become a prominent character of China's governance.

The confidence in China's system is not an unfounded illusion. It is grounded on the great achievements of the Reform and Opening-up through nearly 40 years and has withstood time. Meanwhile, compared to the system in the Western developed countries, the China system has increasingly shown unique advantages and strong livelihood. The world is faced with unprecedented changes and turbulence, especially since the global financial crisis in 2008, the developed countries in the West have been challenged with economic stagflation, terrorism and refugees, which, all intertwined together, have hindered these countries from development and trapped them in various dangers. Neoliberalism is refused in practice and capitalist politics and social governance are faced with unseen risks and are widely questioned. Socialism with Chinese characteristics, increasingly showing its advantages, has challenged the Western capitalism as a new system and been recognized and valued by more and more people worldwide. General Secretary Xi Jinping has also summarized these comprehensively: "Our system may effectively guarantee that people enjoy a wider range of and more solid rights and freedom and participate in the governance of the country and society in a variety of ways, may effectively lubricate the political relationships in the country, develop vigorous relationships among parties, ethnical groups, religions, classes and people outside and inside China, strengthen the bond of the Chinese nation, and form a stable and harmonious political pattern, may make achievements in major tasks with forces joined together and effectively promote the emancipation and development of the social forces of production, all modernization causes and continuous improvement of people's lives, and may effectively protect our country's independence, autonomy, sovereignty, security and interest of development and protect the Chinese people and the Chinese nation."[4]

The establishment and operation of China's comprehensive and scientific system is the greatest achievement of socialism with Chinese characteristics, is the source of our confidence, and is the definitive symbol of the great revival of the Chinese nation. The establishment and perfection of the system cannot be done overnight, and we must keep pushing for the modernization of the system with no delay. Meanwhile, system belongs to the superstructure of a society, and the building of it must follow the basic principles of the relations between the forces and means of production and the reciprocal impacts between the base and the superstructure. Currently, the macro-level system of the party and the country is only starting to diffuse to the intermediate- and micro-level institutions and there is much space for improvement in how different rules and regulations match and cooperate with each other. Arduous investigation and in-depth research must be performed on a series of major issues on the socialist path with Chinese characteristics in order to perfect and develop it. This is why the China Social Sciences Press organized distinguished domestic scholars to complete the work of *China Governance System Research*

[4]Xi, Jinping, Speech on the 60th Anniversary Marking the Founding of the National People's Congress, *People's Daily*, p. 2, September 6, 2014.

Series. The aim was to offer in-depth study and discussion on the major issues concerning the socialist system with Chinese characteristics, such as historical evolution, practical foundations, basic contents, internal logics, characteristics and advantages, future goals, and steps to take. The series is helpful for us to find where to make further efforts in the process of building the socialist system with Chinese characteristics that is comprehensive, scientific, and effective so that we are more confident in the system.

I expect that the series will become a window for readers, domestic and overseas, to learn and understand China's system.

Beijing, China
December 2016

Zhao Jianying
President, China Social Sciences Press

Introduction: The Political System of Contemporary China

Ning Fang and Junhua Zhao

A system is a series of rules or norms that affect human behaviors. A political system restricts the political behaviors of the government, political parties, social groups, and even individual citizens. Generally speaking, a country's political system includes the contents in four aspects: first, the fundamental political system, which reflects the nature of a country; second, the basic political systems, which are the basic contents of the power structure of a country; third, the political institutions, which are the concrete embodiment of the political system in various fields; fourth, various political operating mechanisms, which are the specific operational forms of the political system and other systems. Whether political institutions and political operation mechanisms are sound is directly related to whether the functions of the political system can be realized. The political system has the basic characteristics of comprehensiveness, stability, and long-term nature. Compared with other systems, the political system is more fundamental, and its binding force and coerciveness are also greater.

The report to the 19th CPC National Congress stated that the political system of socialism with Chinese characteristics is a great creation of the Communist Party of China and the Chinese people. The political system of contemporary China is rooted in the vast land of fertile soil on which the Chinese nation has depended for its subsistence and development over thousands of years. It grew out of the experience of the CPC and the Chinese people in their great practice of striving for national independence, liberation of the people, and prosperity of the country. It is the institutional choice that suits China's conditions and meets the requirements of China's modernization drive. It is an important manifestation and institutional carrier of socialist democratic politics with Chinese characteristics and is closely related to the destiny of the country and the people.

1. Deciding Factors of the Political System of Contemporary China

After the human society has entered the era of industrialization, democratic politics is a general trend of political development. China is in the historic course of realizing industrialization and modernization; promoting the building of democratic politics is the inevitable course of history. Under the general trend, the roads to democratic politics are different from one country to another, so a country needs to select and build its system of democratic politics that suits its own development requirements according to its own stage of development and specific national conditions. In his speech at the grand gathering marking the 60th Anniversary of the Founding of the NPC, General Secretary Xi Jinping stated that: "The national conditions are different from one country to another. The political system of each country is unique and determined by the people of this country, and it is the result of long-term development, gradual improvement and endogenous evolution based on the historical heritage, cultural traditions and economic and social development of this country."[5]

China's social structure and political system are strongly influenced by its unique natural geographical environment and distribution of resources and population. Unbalanced regional economic development and uneven distribution of resources are one of the distinctive features of China's national conditions. Hu Huanyong, the geographer proposed the Aihui-Tengchong Line in 1935 as the example of the features. Affected by the geographical environment and climate, the area east of the Aihui-Tengchong Line has been suitable for the development of agriculture since ancient times. In modern times, it has seen the emergence of large-scale urban clusters. Today it has a vast majority of population and market resources. However, the area west of the line has poor natural conditions and remains environmentally fragile. Since ancient times, it has been a sparsely populated area mainly depending on animal husbandry, but it takes up the vast majority of water and coal resources. China's population, market, water energy, and coal, which are among the world's front ranks, show a symmetrically reverse distribution. The reform and opening-up in the past nearly 40 years has caused earth-shaking changes in China, but this important feature of the national conditions has not changed. Therefore, large-scale allocation of resources has become an important characteristic of China's economic and social activities. China's basic national conditions require that its political system should have the following functions: it is conducive to safeguarding national unity and territorial integrity; it is conducive to ethnic unity and harmony; it is conducive to resource allocation and disaster prevention and alleviation. The Chinese civilization and the Chinese nation have maintained long-term prosperity precisely because the political systems of the past dynasties could generally suit the basic national conditions and match to a certain extent China's social factors, political factors, and natural factors.

[5] *Selected Important Documents since the 18th National CPC Congress* (Vol. 2), Central Party Literature Press, 2016, p. 60.

The building of the political system of contemporary China was triggered by the crisis of national survival caused by foreign colonial aggression. The Opium War in 1840 was the prolog to the modern history of China. Since then, "salvaging China from subjugation" and "revitalizing China" have become the historical mission of several generations of the Chinese people. When the three major social groups represented by the Westernization Movement, the Reform Movement of 1898, and the Boxer Rebellion failed to save and transform China through their own wishes and methods, the historical task of salvaging China from subjugation pushed China into the social revolution. However, the failure of the Revolution of 1911 shows that democratic politics not only means the establishment of a constitutional system, but it also needs to be premised on the change of traditional social structure. After the founding of the People's Republic of China, pursuing rapid industrialization and building China into a prosperous new country has become a new historical task. The theme of democratic politics has also been transformed into the enthusiasm and initiative of mobilizing the people to build the country and realize modernization.

Therefore, the historical conditions and national environment since the beginning of modern times have set a dual task for China's industrialization and modernization: to implement extensive and effective social mobilization so as to release and mobilize the enthusiasm of the people and enhance the vitality of the society; to pool the limited financial resources and wisdoms of the people and rationally and effectively allocate resources across the country, safeguard national security and ensure social stability and unity so as to achieve leap-forward development in a short period of time. The Chinese political system should meet the dual needs of protecting the rights of the people and pooling the efforts of the people. Only in this way will it be a vigorous system and a truly democratic system. Most importantly, under this system, it is possible to form a political core that represents the overall interests of the society. Entrusted by the people of all ethnic groups, it accommodates the interests of all parties and exercises power on behalf of all the Chinese people, thereby greatly reducing the costs of exchange of interests between different interest groups within the society, minimizing the internal friction caused by social conflicts, ensuring that the overall interests of the country are above the interests of various interest groups, and maximizing the interests of the entire nation and the entire people.

2. Main Contents of the Political System of Contemporary China

The contents of the political system of contemporary China are extremely rich, and the fundamental political system directly defines the ownership, generation, distribution, and operation of state power. Comrade Hu Jintao stated in his speech in the grand gathering marking the 90th Anniversary of the Founding of the

Communist Party of China (the CPC) that the system of people's congresses is a fundamental political system, and the multi-party cooperation and political consultation system under the leadership of the CPC, the system of regional ethnic autonomy, and the system of community-level self-governance are the basic political systems. These systems and institutions are compatible with the state system of people's democratic dictatorship of China. They not only reflect the basic principles and scientific spirit of Marxism, but also conform to China's basic national conditions and development trends. They are the cornerstone of all other political systems and promote the coordinated development of China's economy and society. They are the fundamental guarantee for promoting coordinated and all-around economic and social development and all-around social progress.

2.1 The System of People's Congresses

The system of people's congresses is the fundamental political system and organizational form of state power of China. It is the basic form of the people being the masters of the country and the main foundation of China's democratic politics. The main bodies of the system of people's congresses are the people's congresses at all levels. The system of people's congresses is a series of provisions of the constitution and other laws on the nature, organization, functions, and mechanisms of the people's congresses.

The people's congresses are the organs of power in China. According to the Constitution of the People's Republic of China, all power in the People's Republic of China belongs to the people. The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power. All administrative, judicial, and procuratorial organs of the state are created by the people's congresses to which they are responsible and by which they are supervised. Moreover, the National People's Congress is also a sovereign organ of the People's Republic of China, i.e., the supreme organ of state power. Local people's congresses at various levels are local organs of state power. The people's congress is the only legislative body of the People's Republic of China. According to the Constitution, only the National People's Congress and provincial-level people's congresses and their standing committees have legislative power. The legislative power is the most important power of the people's congress. No other body has the power to formulate and amend the Constitution, laws, and regulations. The people's congress is China's organ for representative democracy. Representative democracy is the basic form of realization of modern democracy. The foundation of representative democracy is the effective existence of representative organs at all levels. People's congresses at all levels in China are representative organs that convey the will of the people and represent the fundamental interests of the people. According to the Constitution, deputies to the National People's Congress and local people's congresses at all levels are elected in a democratic way. They are responsible for constituencies and are subject to their supervision. The

electoral units and constituencies which elect deputies to the National People's Congress and local people's congresses at various levels have the power to recall the deputies they have elected according to procedures prescribed by law.

2.2 The System of Multi-party Cooperation and Political Consultation Under the Leadership of the CPC

The system of multi-party cooperation and political consultation under the leadership of the CPC is a basic political system in China and a political party system with Chinese characteristics. This new form of the political party system of socialism identifies the positions and functions of the CPC and the democratic parties in the political life of the state, and the relations between the parties. That is, the CPC is the ruling party, and the democratic parties are the participating parties. We must not only uphold the leadership of the CPC, but also give full play to the role of the democratic parties in participating in and discussing state affairs and democratic supervision.

2.2.1 The Leadership of the CPC is the Core and Fundamental Feature of the Political System of Contemporary China

The report to the 19th CPC National Congress pointed out that the leadership of the CPC is the most essential attribute of socialism with Chinese characteristics and the greatest strength of this system. The prevailing *Constitution of the People's Republic of China* stipulates that the People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and is based on the alliance of workers and peasants. The working class achieved this political leadership through its own vanguard—the CPC. *The Constitution of the Communist Party of China* also stipulates that the CPC is the leadership core for the cause of socialism with Chinese characteristics. The leadership of the CPC includes two aspects at the institutional level. First, for other political parties, it means that the CPC is the only ruling party, and it will never share the political leadership of the country with other political parties, including the democratic parties. China does not adopt the Western multi-party system, nor will it adopt a system of multiple parties holding office in turn through competition among political parties. Second, for other organs of political power, the position of the CPC as the ruling party is achieved through its leadership over the organs of the political power of the state. The organs of political power at all levels, including the people's congresses, the governments, the courts, the procuratorate, and the armed forces, must all accept the Party's leadership. In practice, the leadership of the CPC in the political life of the country is mainly achieved through political leadership, ideological leadership, and organizational leadership.

The leadership and ruling position of the CPC are the choice of history and the people. In theory, the Party's leadership has set the direction of Chinese socialism because Marxism-Leninism, which guides the Party's ideology, reveals the universal laws governing the development of the history of human society and pointed out the correct path for the development of human society. Only by upholding the leadership of the Party can we ensure that China will always march on the road of socialism. In practice, China is the country with the largest population in the world, and the authoritative position of the CPC first satisfies the requirements of the reorganization of Chinese society in modern times. Second, it meets the large-scale resource mobilization and macro coordination in the industrialization in China. Third, it meets the requirements for mitigating and controlling the economic and social crises faced in the modernization and achieving political stability. That is to say, only by upholding the leadership of the Party can we guarantee that China's modernization will develop smoothly and effectively. Therefore, the Party's leadership over the state and the society has its historical legitimacy (it has led China to achieve the success of the Chinese revolution) and real legitimacy (the achievements in leading China in reform and opening-up, and modernization).

2.2.2 Multi-party Cooperation is an Important Part of the Political Party System with Chinese Characteristics

The democratic parties maintain ties with some socialist laborers and patriots who support socialism in the development of contemporary Chinese politics. They are an indispensable component and rely on force for the cause of socialist construction. Therefore, within the framework of China's political party system, the democratic parties are participating parties that have the right to participate in the political life of the country under the premise of accepting the leadership of the CPC. The *Opinions of the Central Committee of the Communist Party of China on Upholding and Improving the Multi-Party Cooperation and Political Consultation System under the Leadership of the Communist Party of China* (hereinafter referred to as the "Opinions") issued on December 30, 1989, clearly defines the nature of the democratic parties as participating parties. The Opinions pointed out that: "The Communist Party of China is the core of the leadership of the socialist cause and the ruling party. The democratic parties are the political alliances of some of the socialist workers and some of the patriots who support socialism. They are the close friends of the CPC and the participating parties that accept the leadership of the CPC and cooperate with the CPC and work together for the cause of socialism. China's multi-party cooperation must uphold the leadership of the CPC and must adhere to the Four Cardinal Principles. This is the political foundation for the cooperation between the CPC and the democratic parties."[6]

[6]*Selected Works of Important Documents since the 13th CPC National Congress* (Vol. 2), People's Publishing House, 1991, p. 822.

The basic principle of the cooperation between the CPC and the democratic parties is "long-term coexistence, mutual supervision, treating each other with sincerity, and sharing each other's weal and woe." "Long-term coexistence" means that we should allow the various democratic parties that have emerged to coexist with the CPC and allow them to develop their own members within a certain scope and expand their organizations. The government protects their legitimate activities. "Mutual supervision" means that the CPC, while supervising the democratic parties' adherence to the Four Cardinal Principles and observance of the constitutional laws, also voluntarily accepts the supervision by the democratic parties. "Treating each other with sincerity" means that the CPC and the democratic parties should treat each other sincerely and should not conceal their respective views. "Sharing each other's weal and woe" means the CPC and the democratic parties share the same fundamental interests. The relationship between them is that they are bound together for good or ill.

The main content of the multi-party cooperation between the CPC and the various democratic parties is that the CPC allows and encourages the democratic parties to participate in China's political life, participate in the consultations on the national policies and the selection of state leaders, participate in the management of state affairs, and participate in formulation and implementation of national policies, laws, and regulations.

2.2.3 Political Consultation is the Basic Form of Multi-party Cooperation

The Chinese People's Political Consultative Conference (CPPCC), based on the CPC and various democratic parties and people's groups, is an organizational form of the system of multi-party cooperation and political consultation. It is also an important institution for the democratic parties to exercise political consultation and democratic supervision and participate in deliberating and administration of state affairs. Since the launch of reform and opening-up, the CPC Central Committee has successively promulgated three important documents, namely, the *Opinions of the Central Committee of the Communist Party of China on the Practice and Improvement of the System of Multi-party Cooperation and Political Consultation under the Leadership of the CPC* (1989) and the *Opinions of the Central Committee of the Communist Party of China on Further Strengthening the Building of the System of Multi-Party Cooperation and Political Consultation under the Leadership of the CPC* (2005) and the *Opinions of the Central Committee of the Communist Party of China on Strengthening the Work of the People's Political Consultative Conference* (2006). These documents clearly define the nature, position, role, and styles of the CPPCC and have further improved the system of political consultations.

The CPPCC is a platform for multi-party cooperation and an embodiment of the system of the relationship among the political parties in China. The CPPCC is the national organization that combines the two levels of the Chinese political party

system, the leadership of the CPC, and the multi-party cooperation. Only in the CPPCC can all democratic parties present their suggestions, proposals, etc., in their own name, and the CPPCC provides institutional support for multi-party cooperation. This is not only because there is a long history of cooperation and struggle between the CPC and the democratic parties, and they have jointly created the organizational form of the CPPCC. More importantly, since the founding of the People's Republic of China, the Common Program of the CPPCC has covered the principles of all parties, and it provides an institutional platform for the establishment of cooperative relations between the political parties in China.

The establishment of the CPPCC's sectors provides an institutional guarantee for the expression of interests of all sectors of society. The CPPCC is composed of representatives from different sectors, which is a distinctive organizational characteristic of the CPPCC. Based on this, the CPPCC has brought together representatives and talents from all ethnic groups, all parties, and groups at home and abroad, reflecting the opinions and requirements of all sectors of society and various parties. It provides an institutional guarantee for timely and fair resolution of various conflicts and contradictions. Arguably, the CPPCC is based on the vertical structure of various ethnic groups, various parties, etc., while the people's congress is based on the horizontal structure of geography, population, etc. The two are intertwined and complement each other to jointly provide a solid foundation of public opinion for the governance of China by the CPC.

1.3 The System of Regional Ethnic Autonomy

Compared with various different approaches to ethnic issues in other countries with multiethnic makeup, China's approach focuses on regional ethnic autonomy. Under the leadership of the central government, self-governance is exercised in regions with large ethnic minority populations, where local affairs are administered by local autonomous governing bodies. China adopts the method of regional ethnic autonomy to solve ethnic issues. It is an institutional arrangement based on China's basic conditions such as historical development, cultural characteristics, ethnic relations, and ethnic group distribution, and is in line with the common interests and development requirements of the people of all ethnic groups. The *Constitution* and the *Law on Regional Ethnic Autonomy* of China include explicit provisions on regional ethnic autonomy and its implementation. The system of regional ethnic autonomy is a basic political system of China.

In China, areas where the system of regional autonomy for ethnic minorities is practiced can be divided into three levels, namely, autonomous regions, autonomous prefectures, and autonomous counties. At present, China has established 155 ethnic autonomous areas, including five autonomous regions, 30 autonomous prefectures, and 120 autonomous counties (banners). Of the 55 ethnic minorities, 44 have their own autonomous areas. Meanwhile, China has established 1,173 autonomous townships in places equivalent to townships where ethnic

minorities live in compact communities, as a supplement to the autonomous areas. Of the 11 ethnic minorities for which regional autonomy is not implemented because their populations and habitats are relatively small, nine have set up autonomous townships.[7] In accordance with the *Constitution* and the *Law on Regional Ethnic Autonomy*, the organs of self-government of ethnic autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures, and autonomous counties. They have autonomy while exercising the functions and powers of local state organs at the same level. The specific contents are as follows: first, independently managing the internal affairs of their ethnic groups in their autonomous areas; second, having the power to formulate regulations on the exercise of autonomy and separate regulations; third, using and developing their own spoken and written languages; and fourth, respecting and protecting the freedom of religious belief of ethnic minorities. In addition, regional autonomous areas have the right to preserve or reform their own folk ways and customs, independently arrange, manage and develop the economic construction of the locality concerned, independently manage local revenues, and independently develop undertakings of education, science and technology, culture, and sports.

The practice of regional ethnic autonomy embodies the spirit of respecting and guaranteeing ethnic minorities' independently to manage the internal affairs of their ethnic groups in their autonomous areas, reflects the principle of equality, unity, and common prosperity among the ethnic groups and the integration of ethnic and regional factors and the combination of political and economic factors and historical and realistic factors, and condenses the practical experience and political wisdom of the CPC and the Chinese people.

1.4 The System of Community-Level Self-Governance

The system of community-level self-governance is the fundamental project of building democratic politics in contemporary China. At present, China has established a system of community-level democratic self-governance, which is mainly composed of rural villagers' committees, urban residents' committees, and congresses of enterprise workers and staff. Members of urban- and rural self-governance organizations at the community level directly exercise their right to democratic elections, policy-making, management, and oversight. They exercise democratic self-governance with regard to public affairs and nonprofit undertakings of their organizations. This has become the most direct and extensive form of democracy in China today. Self-governance by villagers is a basic system by which the broad masses of the rural people directly exercise their democratic rights to run their own affairs in accordance with the law and carry out self-administration,

[7]Refer to *White Paper: Building of Political Democracy in China* (http://Personics.people.com.cn/GB/1027/3783369.html).

self-education, and self-service. Burgeoning in the early 1980s, developed in the 1980s and popularized in the 1990s, this system has become an effective way to develop grassroots democracy and improve the level of governance in rural China. The Chinese Constitution prescribes the legal status of the villagers' committee as a mass organization of rural grassroots self-governance. The *Organic Law of Villagers' Committees of the People's Republic of China* expressly specifies the nature, functions, procedures of establishment, term of service, and other issues related to villagers' committees to ensure the healthy development of grassroots democratic self-governance in rural areas. The main contents of self-governance by villagers include democratic elections, decision-making, management, and supervision.

Urban residents' committees are mass organizations of self-governance at the community level through which Chinese urban residents realize self-management, self-education, and self-service. It is an important form of achieving direct democracy at the community level in urban areas. The system of urban residents' committee was first included in the *Constitution* in 1982. In 1989, the Standing Committee of the National People's Congress formulated the *Organic Law of Urban Residents' Committees*, which provided a legal basis and institutional guarantee for urban residents' self-governance. Like rural villagers' self-governance, the main contents of urban community residents' self-governance also include democratic elections, decision-making, management, and supervision.

The congress of workers and staff is a basic system ensuring the democratic management of an enterprise or public institution by its workers and staff members. In China, this democratic right as master of an enterprise enjoyed by all the members of an enterprise or public institution is largely exercised through the system of congress of workers and staff. According to the relevant laws, the congress of workers and staff has five functions and rights: the right to make deliberations and suggestions on the plan and scheme of the enterprise's production management and development; the right to examine and adopt important regulations and rules on wages, bonus, labor protection, punishments, and rewards; the right to deliberate and decide on important matters concerning workers' and staff members' lives and material benefits; the right to appraise and supervise the administrators and leaders of the enterprise; and the right to recommend or elect the head of a factory. The congress of workers and staff and other forms of democratic administrative system have been playing an irreplaceable role in democratic management, coordinating labor relationships, guaranteeing and safeguarding the legitimate rights and interests of the employees, and promoting reform, development, and stability in enterprises and public institutions.

3. Characteristics and Advantages of the Political System of Contemporary China

Socialist democratic politics with Chinese characteristics can be examined from two aspects: the institutional system and the value structure. The system of people's congresses, the system of multi-party cooperation and political consultation under the leadership of the CPC, the system of regional ethnic autonomy, and the system of community-level self-governance constitute the institutional system of China's socialist democratic politics. The value structure is a moral and rational interpretation form regarding how the power, position, and responsibilities are arranged by the political subjects and why they are arranged this way. It is the basis of the institutional system and the key to analyze and understand the institutional system. The report to the 19th CPC National Congress stated that China's socialist democracy is the broadest, most genuine, and most effective democracy to safeguard the fundamental interests of the people. The very purpose of developing socialist democracy is to give full expression to the will of the people, protect their rights and interests, spark their creativity, and provide systemic and institutional guarantees to ensure the people run the country. This is the interpretation of the value structure of socialist democratic politics with Chinese characteristics. The specific content of this value structure as expressed in the report to the 16th CPC National Congress is to organically integrate the leadership of the Party, the position of the people as the masters of the country, and the rule of law.

The integration of the leadership of the Party, the position of the people as the masters of the country, and the rule of law embody the practical operation mode of the three issues of safeguarding people's rights, exercising people's rights and methods for safeguarding and exercising people's rights. It provides an effective form for the realization of popular sovereignty and thus constitutes unique advantages of the political system of contemporary China.

On the one hand, by safeguarding the people's rights and arousing their enthusiasm, initiative, and creativity, it has provided tremendous impetus to China's industrialization and modernization. During the period of the planned economy, the central government's highly centralized and unified planning system exerted its advantages in a certain period of time and enabled China to initially establish an industrial system in a short period of time, but in the meanwhile it also hampered the development enthusiasm of local governments, social groups, enterprises, and individuals, resulting in insufficient impetus to social and economic development. After the reform and opening-up, to adapt to the development of the socialist market economy, China has carried out a series of reforms aimed at breaking the political, economic, and social constraints that bind the broad masses of the people, safeguarding the rights of the people and expanding the freedom of the people. It is embodied in three aspects. First, there are economic freedom, opening and protection of people's rights. Before the reform and opening-up, during the period of the people's commune, farmers were restricted to their own land and were strictly forbidden to leave their villages to sell some surplus agricultural and

sideline products. After the reform and opening-up, the number of registered private enterprises and individual industrial and commercial households in China has increased rapidly, and the contribution rate of the private economy to GDP has exceeded 60%. Second, the rights of the people are safeguarded by the law. Compared with the period of the people's commune, especially the period from 1966 to 1976, after the reform and opening-up, the rule of law was restored and rebuilt so that the people's rights, especially their economic rights and legitimate income, are safeguarded. This has created a new expectation. That is, opportunities such as social mobility, identity change, and gaining of wealth are available to everyone as long as they work hard, and people have a clear expectation for the outcome of their actions. Third, social values have a fundamental change. Reform and opening-up has changed the old value system that social values were determined based on social origin and political attitude, and created a new value system that social values are determined by education level and personal achievements. In this way, the change of the outlook on social values and the formation of economic activity expectations are transformed into universal social mobilization and a huge production force; to promote China's economic and social development has become the desire and impulse of hundreds of millions of individuals, and the economic development has gained immeasurable momentum.

On the other hand, strategic development is achieved through the centralization of power. The centralization of power is to uphold the Party's leadership. Theoretically, the leadership of the Party is the prerequisite for ensuring that the people run the country. It is the Party's purpose to ensure that the people run the country. The people are the sovereign and the subjects of democratic politics. However, the emergence and existence of the people are conditional. That is, they must have self-awareness and emerge in an organizational form. In China, the Communist Party enables the people to gain self-awareness and consciousness, and it is the Communist Party that has organized individuals like potatoes in the gunny sacks to become the people. Therefore, only if the power is taken control of and exercised by the CPC on behalf of the people will it have true validity. Meanwhile, the CPC has taken control of and exercised the power on behalf of the people. The CPC represents the people without seeking any group interests. The Party's governance is to serve the people and to realize the overall interests, long-term interests, and fundamental interests of the people. Practically, in China as a late-developer, whether the government can exert its planning, organizing, and coordinating role in economic and social development and thus promote intensive economic development is another key factor beyond the fundamental driving force. Whether the government exerts its role depends on the choice of a democratic political system. China's democratic political system precisely endows the government under the leadership of the CPC with the ability to pool resources and coordinate all parties to promote economic and social development. It is embodied as macroeconomic regulation of economic operations, formulation of development plans, coordination of regional development, construction of infrastructure, creation of policy environment, provision of public services, etc.

The industrialization process will produce two kinds of social incentive mechanisms: one is distributed participation, in which the distribution rules are changed through elections, political parties, and politics so as to gain social benefits through reshuffling; the other is productive incentives, which urges people to achieve social and personal development through production and management activities. The capitalist political system adopts two-way democracy that guarantees rights and opens state power (elections). Its main defect lies in that various political parties and interest groups attack each other, which is likely to lead to a tendency to expand social differences. In the rich and stable Western countries, these defects can be controlled to a certain extent. In the developing countries that are in the process of industrialization and modernization, the defects of the Western political system are expressed more obviously. Successful Asian developing countries have adopted the development strategy of opening social rights and centralizing state power without exception. This kind of hedging mechanism produces productive incentives, which helps to avoid distributed incentives and helps to realize economic and social development under relatively stable conditions.

The distinctive characteristics of China's democratic politics, i.e., the political system of contemporary China, are to safeguard rights and centralize power. This kind of hedging mode or institutional arrangement provides two kinds of impetus and two kinds of enthusiasm for the industrialization and modernization of a later developing country like China, i.e., the enthusiasm of the market and the enthusiasm of the political power, so as to provide a strong social impetus for economic development, guarantee the social order, and avoid excessive social conflicts that block the industrialization process.

While fully affirming that China's democratic politics has achieved historic progress, we must be also keenly aware that the socialist political system has only a history of a few decades in China, and there is still much work to be done to develop and improve socialist democratic politics. Fundamentally speaking, we must fully understand the laws governing the development of democratic politics in our country, and adhere to the correct principles in a complex and ever-changing social environment: we will not employ a system of multiple parties holding office in rotation; diversify our guiding thought; separate executive, legislative, and judicial powers; use a bicameral or federal system; or carry out privatization. We must more fully recognize the essential differences between China's socialist democracy and Western capitalist democracy and ensure the correct orientation in building socialist democratic politics. We have to march on China's path to democracy and provide reliable political guarantees for China's economic and social development. We will surely complete the historical task of industrialization and modernization and realize the great renewal of the Chinese nation.

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Chapter 1
China's Politics and the Communist Party of China

Wen Xiao

The leadership of the Communist Party of China is the most essential attribute of socialism with Chinese characteristics. The political system of contemporary China originated from the Chinese revolution led by the CPC. The success of the revolution and the CPC's coming into power are the choices of history and people. As the core of leadership for China's revolution, construction, and reform, the CPC has led the Chinese people to embark on the path of socialist modernization. The CPC is the core of China's political system. The CPC has led the people in formulating China's constitution. To understand China's political system, we must first understand the CPC and its organizational structure and operational mechanism.

1 The CPC is the Core of Leadership in China's Modernization Drive

The CPC is the core of Chinese politics and constitutional structure. The prevailing *Constitution of the People's Republic of China* solemnly declares in the preamble: "In 1949, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader … founded the People's Republic of China," and "Under the leadership of the Communist Party of China, … the Chinese people of all nationalities will continue to work hard and self-reliantly to modernize the country's industry, agriculture, national defense and science and technology step by step to turn China into a strong and prosperous socialist country with a high level of culture and democracy." The *Constitution* has historically confirmed and stipulated in the form of a fundamental law the core position of the CPC as the founder, ruler, and leader. Since the founding of the PRC, China's political and constitutional structures

W. Xiao (✉)
Beijing, China
e-mail: belongtoyoung@163.com

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have been based on the leadership of the CPC as prescribed by the fundamental law. Therefore, to understand China's political and constitutional structures, we must first understand the CPC.

1.1 The Leadership and Ruling Position of the CPC is the Choice of the History and the People

The leadership and ruling position of the CPC is the choice of the history. Since its establishment in 1921, the CPC has assumed the historical mission of representing the interests of the people, realizing national independence, and inheriting civilization. The ruling legitimacy of the CPC is rooted in the great unity tradition of the Chinese civilization over thousands of years, in the undertaking for salvaging China from subjugation in modern China in the past 100 years, and in the irreversible modernization trend of the world today. Both history and reality have eloquently proved that the leadership and ruling position of the CPC are the inevitable result of China's development in the past thousands of years, especially in modern times. It is the realistic choice of the Chinese people to achieve national independence, national unity and their own happiness, the historical need to realize the modernization of China, and the Chinese dream of the great rejuvenation of the Chinese nation.

The CPC is the inheritor of the Chinese civilization and traditions that have been lasting for thousands of years. Its ruling legitimacy is rooted in the historical tradition of the great unity of the Chinese civilization for thousands of years. "*The spring & Autumn Annals* advocates great unity, which is an enduring principle in the universe and a constant norm applicable equally to past and present."[1] The greatest feature of the Chinese civilization is "great unity." That is, the entire Chinese civilization has been a political, cultural, and economic unity since the Qin and Han Dynasties rather than being split into many feudal territories and nation-states like the European civilization. The PRC, as a unified multiethnic country, has inherited the basic territorial scope of ancient China that had been formed in the Qing Dynasty, inherited the basic political form as a unified and centralized state, inherited the basic cultural tradition of "harmony but not uniformity" on the basis of Confucianism, and inherited the basic economic structure in which various industries are complemented and organically connected. "How do we achieve world peace? …the unity of the world."[2] The history of dynasty alternation over thousands of years shows that unity brings peace, stability, and prosperity, while division leads to wars, turmoil, and poverty. The great unity is the common pursuit of the Chinese people for generations. "All lands beneath the sky belong to the crown; all men within the borders are subjects of the king."[3] The great unity in ancient China was maintained by the bureaucratic

[1] *The History of the Han Dynasty • The Biography of Dong Zhongshu.*

[2] *Mencius • King Hui of Liang I.*

[3] *The Book of Songs • Xiaoya • Beishan.*

system centered on the Son of Heaven (the emperor), and the great unity in contemporary China is maintained by the CPC as its organization and integration center. In modern China, the CPC has maintained a united multiethnic country for a long time through organizations at all levels in all fields and regions. This has become an important legal foundation for its leadership and ruling position.

The CPC has undertaken the mission of salvaging the Chinese nation from subjugation and revitalizing the Chinese nation since the beginning of modern times. Its ruling legitimacy is rooted in the two historical missions: to achieve national independence and the liberation of the people and to strive for the strength and prosperity of the country and the common affluence of the people. Since the Opium War, the Chinese traditional civilization has been confronted with the historical impact of the Western industrial civilization. After being invaded by the Western powers, the Chinese nation was in danger of national subjugation and genocide. Salvaging China from subjugation became the common pursuit of elites and people of all walks of life in modern China. The people with lofty ideals of one generation after another have made unremitting efforts to safeguard national independence of China and achieve its national unity. However, from the Westernization Movement to the Reform Movement of 1898, from the Taiping Heavenly Kingdom Movement to the Boxer Rebellion, from the Revolution of 1911 to the National Revolution, the Chinese elites in other political parties had not been able to find the right way to save the country. After 28 years of revolution and struggle, the CPC finally founded the People's Republic of China and basically achieved national independence and national unity by relying on and mobilizing the broadest masses of the people. For the first time in Chinese history, the people have become the masters of the country. This has laid an indispensable political foundation for economic development and improvement of people's livelihood. In modern China, the CPC is striving to realize the dream of national rejuvenation to achieve the prosperity of the country, the rejuvenation of the nation, and the happiness of the people by representing and realizing the fundamental interests of the overwhelming majority of the people. This has become an important legal foundation for its leadership and ruling position.

The ruling legitimacy of the CPC is rooted in its historical mission of leading the Chinese people to build a modernized country. "The trend of the world is surging forward. Those who follow the trend will prosper, and those who go against it will perish." The history of the world since the beginning of modern times is the history of the modernization of all mankind. The modernization characterized by industrialization, urbanization, and globalization is an irreversible trend in human history. As a super-large country accounting for one-sixth of the world's land and a quarter of the population, a later developer that has entered modernization late and a peaceful country that will not and has no intention to achieve modernization through aggression and oppression of other countries, China has taken the path to modernization different from those of Europe and the United States, and it is a path of socialist modernization for China to achieve peaceful development and affluence of the people under the leadership of the CPC. In modern China, the CPC has led nearly 1.4 billion Chinese people to take a comprehensive, scientific, and sustainable development path that enables the human population equivalent to the total population of Europe, the

Americas, and Africa to live a modern life. This has become an important foundation for the legitimacy of its leading and ruling position.

1.2 The Organic System and Leadership Style of the CPC

The leadership and ruling style of the CPC is essentially different from those of Western political parties. It is directly based on the party organization and leadership principles of Leninism, and indirectly inherits the tradition of Chinese cultural elite groups leading the country and society. Unlike the Western political parties in the competitive election system, the CPC does not set as its sole political goal to acquire and maintain its ruling position, but strives to achieve its political goal through its overall leadership of the state and society—the grand goal of building a socialist modernization powerhouse and realizing the great rejuvenation of the Chinese nation. In order to achieve this goal, the leadership of the CPC does not just endeavor to occupy the position of the parliament and the government as the Western political parties, but strives to achieve political leadership, organizational leadership and ideological leadership of the state and society through the organization system throughout the country.

As the largest political party in the world, the CPC has experienced the development course from small to large, from puniness to mightiness, and from the revolutionary party to the ruling party. When it was founded in 1921, the CPC had only 57 members throughout the country. When the People's Republic of China was founded in 1949, the total number of Party members was about 450,000. At the beginning of the reform and opening-up in 1978, the total number of Party members was nearly 37 million. According to the data released by the 19th CPC National Congress, the CPC currently has 89 million members distributed at all levels in all fields and regions throughout the country. The Party members are advanced activists of all social classes in China who have played a vanguard and exemplary role in national and social affairs.

The leadership and ruling power of the CPC is not only reflected in the number of Party members, but also in the Party organizations that comprehensively lead the country and society. After more than 90 years of development, the CPC has gradually developed a relatively mature organizational structure from history, including central organizations, local organizations, and primary-level organizations. The Party organizations are organized in accordance with the basic principle of democratic centralism: individual Party members defer to Party organizations, the minority defers to the majority, lower level Party organizations defer to higher level Party organizations, and all organizations and members of the Party defer to the National Congress and the Central Committee of the Party. This fundamental organizational principle from Leninism makes it possible for the CPC Central Committee to subsume every Party member under its leadership through Party organizations at all levels and Party branches at the primary level and thus endows the CPC with the mighty organizational power unachievable for the Western electoral parties.

The highest leading bodies of the Party are the National Congress and the Central Committee which it elects. The National Congress of the Party shall be held once every 5 years, and delegates are elected by all Party members; the central committee is elected by the National Congress and holds a plenary session at least once a year. The Political Bureau of the CPC Central Committee (the Politburo), the Politburo Standing Committee, and the General Secretary of the Central Committee of the Party are elected at the plenary session of the Central Committee. When the National Congress and the Central Committee are not in session, the Political Bureau and its Standing Committee exercise the highest leadership of the Party.

The CPC has local Party organizations in all provinces, cities, and counties throughout the country. The Party's local leading bodies are the Party congresses at various levels and the Party committees which they elect. Delegates to Party congresses at various levels are elected by local Party members. The local Party committees at every level shall, when their local Party congress is not in session, carry out the directives of the Party organization at the next higher level and the resolutions of the Party congress at the corresponding level, and direct work in their own local area. Meanwhile, the CPC has established Party organizations in all Party and government departments, state-owned enterprises, schools, military units, and most non-state-owned enterprises and social groups to exercise overall leadership over the state and society.

A distinctive feature of the CPC is that it has established primary-level organizations covering the whole country. Every Party member must join a primary-level organization of the Party. Party branches and primary-level Party committees cover all villages, sub-districts, Party and government departments, state-owned enterprises, schools, research institutes, military companies, and most non-state-owned enterprises and social groups. At present, the CPC has more than 3.718 million primary-level organizations with coverage of over 99%. Primary-level Party organizations play a key role in the Party in the basic units of social organization. Through the grassroots organizations, the CPC firmly leads every Party member and thus connects and influences almost every Chinese person.

As the core of China's political and constitutional structure, the CPC exercises leadership over the entire country and society. The report to the 19th CPC National Congress states that: "The Party exercises overall leadership over all areas of endeavor in every part of the country." The leadership style includes the political leadership that proposes and implements the Party's lines, principles, policies, decisions, and plans throughout the country, the organizational leadership over the people in all walks of life through the Party organizations throughout the country, and the ideological leadership that educates the people through the theoretical theories of the Party.

The political leadership of the CPC is to lead the country in political principles, political direction, and major decisions and to recommend principal officials to the organs of state power. The core of political leadership is the leadership over the Party's lines, principles, and policies. The political program of the Western electoral political parties serves the need to obtain votes and win the ruling power. The CPC treats its own leadership and ruling position as the means to realize the Party's program, goals, and tasks. According to the newly revised *Constitution of the Communist*

Party of China, the political goal of the CPC in the primary stage of socialism is to build China into a modern socialist country that is prosperous, strong, democratic, culturally advanced and harmonious, and to fulfill the three historic tasks of advancing modernization, achieving China's reunification, and safeguarding world peace and promoting common development. To achieve the goal and tasks, the Party needs to formulate correct lines, principles, and policies to guide the people of the country to march on the right political orientation. Specifically, we need to be adept at turning the propositions of the CPC into the will of the state through legal procedures, and guide the broad masses of the people to achieve leadership over state affairs through the activities of the Party organizations and the vanguard and exemplary role of the Party members.

The organizational leadership of the CPC is to achieve overall leadership over the state and society through the improvement of Party organizations at various levels and training, selection, appointment, and oversight of Party members holding leading positions and through the work of Party organizations at all levels and all Party members. Organizational leadership is a guarantee for political leadership and ideological leadership. Without powerful organizational leadership, political leadership and ideological leadership will fail. Unlike the leadership of the electoral political parties in the Western countries which is mainly manifested as the control of important positions of the parliament and the government, the leadership of the CPC is largely manifested as the specific leadership over Party organizations in various fields, departments, and organizations. The organizational leadership of the CPC is especially manifested as the leadership of Party organization over appointment or removal of officials. All the state organs, state-owned enterprises, public institutions, and armed forces should follow the basic principle of personnel management characterized by "the Party supervising officials." The officials holding principal leadership positions at all levels from the central government to the local governments are uniformly recommended, appointed, and managed by the Party's organizational departments, and the leadership positions in these organizations and departments are largely held by Party members. In terms of personnel structure, Party members also account for the vast majority of the staff of the state organs at the central and local levels, state-owned enterprises, public institutions, and armed forces. In addition, the organizational leadership of the CPC is also manifested as the key role of primary-level Party organizations and the vanguard and exemplary role of Party members.

The ideological leadership of the CPC is to educate all Party members and the people through the Party's theoretical propaganda and ideological and political work as well as the Party's ideological theories so as to arouse the initiative and creativity of all Party members and all the Chinese people to devote themselves to the cause of building socialism with Chinese characteristics. Since its founding, the CPC has been a faithful inheritor and promoter of the Chinese excellent traditional culture and an active advocate and developer of China's advanced culture. The CPC uses Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, and the Scientific Outlook on Development as its guides to action, to strengthen the system of core socialist values among all Party members and all the

people, uphold the high ideal of communism, foster the common ideal of socialism with Chinese characteristics, promote a national spirit to which patriotism is central and a spirit of the times centered on reform and innovation, and champion the socialist concept of honor and disgrace. The ideological leadership of the CPC will play an important role in uniting thoughts, cohering forces, inspiring spirit, and arousing fighting will and provides a strong ideological guarantee, spiritual impetus, public opinion support, and cultural conditions for economic and social development. Ideological leadership is a distinctive feature that distinguishes the CPC from the Western electoral political parties and has a special important position in the Party's style of leadership.

1.3 The Characteristics of the CPC: Affinity to the People, Representativeness, and Advanced Nature

The essential attribute of the CPC is its affinity to the people. Serving the people wholeheartedly is the fundamental purpose of the CPC. Since the founding of the CPC, its affinity to the people has been the foundation for its advanced nature and representativeness and the essential attribute that distinguishes itself from other political parties in the history of China and the Western electoral parties. The peculiarity of affinity to the people of the CPC lies in that besides the interests of the working class and the broadest possible majority of the people, the Party has no special interests of its own. The CPC, at all times, gives top priority to the interests of the people, shares weal and woe with them, and maintains the closest possible ties with them. It never allows any member to become disengaged from the people or to behave as if they are above them.

The peculiarity of affinity to the people of the CPC originates from the guiding ideology of Marxism. From the perspective of historical materialism, the people alone are the motive force in the making of world history. In the long revolutionary war, the Party follows the mass line in its work, doing everything for the masses, relying on them in every task, carrying out the principle of "from the masses, to the masses," and has achieved victory in the revolution with the support of all the people. Since the reform and opening-up, with the fundamental transformation from the revolutionary party to the ruling party, the CPC has proposed the important concept of "serving the public good and exercising power in the interests of the people" and emphasizes that: "it shall exercise power for the people, demonstrate concern for them, and work in their interests." It strives to improve the living standards of the people through the achievements in economic development and is working tirelessly to keep delivering on the people's aspirations for a better life on the road of building a well-off society in an all-round way.

An important feature of the CPC is its broad representativeness. The *Constitution of the Communist Party of China* stipulates that the Communist Party of China represents the fundamental interests of the overwhelming majority of the Chinese

people. "The overwhelming majority of the Chinese people" here refers not only to workers and farmers that are larger in numbers, but also to the people of all ethnic groups, all walks of life, and all regions in China. In terms of the structure of Party members, the CPC members cover workers, farmers, soldiers, intellectuals, staff of state organs, management personnel of enterprises and public institutions, students, and other social classes, including a large number of female Party members and Party members of ethnic minorities throughout the country.[4] In general, the Party members are broadly representative, covering different genders, ethnic groups, occupations, and regions. Historically, its broad representativeness is an important reason why the cause of the Party has been able to continually achieve success.

It is noteworthy that with continuous economic and social development since the reform and opening-up, there have emerged some new social strata, such as entrepreneurs and technicians of private technology enterprises, management personnel and technicians employed by foreign-funded enterprises, self-employed individuals, private business owners and practitioners of intermediary organizations, and freelancers. In order to adapt to these changes, the CPC intends to admit the excellent members from these emerging social strata into the Party, which will increasingly diversify the structure of Party members and broaden the representativeness of the CPC. Taking the private entrepreneurs, for example, according to the statistics of the 2006 Hurun Global Rich List, 35% of the magnates and entrepreneurs in the private sector in China are Party members. This shows that the CPC as the ruling party is different from any Western electoral political party that represents only a certain social stratum or group. The CPC does not need to please some of the voters in order to win more votes. Instead, the CPC can form the broadest common will of the Chinese people through inclusiveness and consultations within the Party, thus promoting the solidarity and unity of the people of all ethnic groups, regions, and strata.

The distinctive feature of the CPC lies in its advanced nature. The *Constitution of the Communist Party of China* stipulates that the Communist Party of China is the vanguard of the Chinese working class, the Chinese people, and the Chinese nation. It represents the developmental demands of China's advanced productive forces and the orientation for China's advanced culture. This fully reflects the advanced nature of the CPC. As a Marxist party established under the guidance of the Leninist Party-building theory, the CPC has always emphasized its nature as the vanguard of the working class since its founding. As a product of modern industrial and socialized

[4] As of the end of 2012, the total number of members of the CPC reached 85.127 million, including 20.269 million female Party members, accounting for 23.8% of the total number of Party members; Party members of ethnic minorities amounted to 5.802 million, accounting for 6.8%; Party members with college education or above amounted to 34.081 million, accounting for 40%; Party members aged 35 and below amounted to 21.801 million, accounting for 25.6%. In terms of occupations of Party members, 7.25 million were workers, 25.348 million were farmers, herdsmen, and fishermen, 7.157 million were functionaries in Party and government organs, 20.196 million were management and technical personnel of enterprises and public institutions (including private non-enterprise units), 2.905 million were students, 15.538 were retirees, and 6.733 million were people with other occupations.

mass production, the Chinese working class has a rigorous sense of organization and discipline and is full of revolutionary steadfastness and thoroughness, which are the excellent qualities that other classes do not have; thus, it can lead the Chinese people to achieve victory in the revolution.

Since its founding, the CPC has also emphasized its nature as the vanguard of the Chinese people and the Chinese nation. From the first day when it appeared in the political arena, the CPC has shouldered the great historical mission of achieving the independence and unity and striving for the strength and prosperity of the Chinese nation. Since the reform and opening-up, the CPC has been following the trend of historical development and put forward the requirement of representing advanced productive forces and advanced culture, enriching the connotation of the Party's advanced nature. Unlike the popular Western electoral parties, the CPC adheres to very strict standards and procedures for joining the Party and requires each Party member to play a vanguard and exemplary role in work. Meanwhile, it has set strict intra-Party rules and disciplines, and these rules and requirements are essentially the embodiment of the Party's advanced nature.

2 Modernization of the Leadership and Ruling Style of the CPC

The *Constitution of the People's Republic of China* stipulates that the people of all ethnic groups, all state organs, the armed forces, all political parties and public organizations, and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct. The *Constitution of the Communist Party of China* also stipulates that: "The Party must act within the scope of the country's Constitution and the law." These have established the basic principles and style of the leadership and ruling of the CPC: the CPC has led the people in formulating the Constitution and laws, and turned the Party's will into the national system through legal procedures and achieved the over leadership of the Party over the state and society through legal authorities, systems, and procedures. This style of leadership is different from the model of division of labor between the Party and the government adopted by the electoral political parties in the Western countries. It is also intrinsically different from the so-called centralized leadership in which distinctions between the Party and the government were erased so that the former replaced the latter adopted by the former Soviet Union and Eastern European countries and the Chinese government before the reform and opening-up. Its basic characteristics based on its legality, institutionality, and procedurality show that the leadership and ruling style of the CPC has basically been modernized.

2.1 The CPC Exercises Leadership Over the People's Congresses at Various Levels and Their Standing Committees Through Representatives of Party Members and Leading Party Members' Groups of the People's Congresses

The *Constitution of the People's Republic of China* stipulates that the National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power; the National People's Congress of the People's Republic of China is the highest organ of state power and exercises the following functions and powers: legislation, supervision, personnel appointment or removal, making decisions on major issues, etc.; local people's congresses at various levels are local organs of state power. According to the spirit of the Constitution, China implements the political system of "combination of legislature and administration" rather than the system of "separation of powers," and the National People's Congress has the highest legal status and the highest state power; the central state organs such as the Presidency and the Vice Presidency of the People's Republic of China, the State Council, the Central Military Commission of the People's Republic of China, the Supreme People's Court, and the Supreme People's Procuratorate are created by the people's congresses to which they are responsible and by which they are supervised. When the National People's Congress is not in session, part of its functions and powers are exercised by the Standing Committee elected by it. Local people's congresses at various levels also enjoy corresponding local powers of legislation, supervision, personnel appointment or removal, making decisions on major issues, etc., and create local state organs at different levels. The Party's policies can only be turned into the will of the state upon approval by the NPA. The leading members of state organs at all levels recommended by the Party must be elected or approved by the people' congresses, and Party organizations at all levels must also be subject to the supervision of the people's congresses.

The style of leadership of the CPC over the people's congresses at various levels and their standing committees is as follows.

First, the CPC has established leading Party members' groups in the people's congresses at all levels and its standing committees, and exercises leadership through the representatives of Party members who account for the majority (of members of the Standing Committee). A leading Party members' group must accept the leadership of the Party committee that approves its establishment (generally the local Party committee at the same level), and plays a core leadership role in the people's congress and its standing committee. Its main tasks are to ensure that the Party's lines, principles, and policies are implemented; to discuss and make decisions on matters of major importance within its unit; and rally the non-Party cadres and the masses in fulfilling the tasks assigned by the Party and the state. Generally speaking, the principal persons in charge of leading Party members' groups will assume the main leadership positions in the people's congresses at various levels and their standing committees, and

ensure the Party's leadership over the people's congresses and their standing committees by making proposals, taking control of the agendas, and exercising leadership over the Party members (members of the Standing Committee).

Second, Party organizations at all levels have actively recommended outstanding Party members to participate in the election of deputies to the people's congresses at various levels by leveraging their ruling advantages. At present, Party members in national and local people's congresses usually account for more than 60% of the total number of representatives (members of the Standing Committee); these representatives of Party members (members of the Standing Committee) vote according to the will of the party organization to ensure that the voting results of the people's congresses and their standing committees are in line with the will of the Party organizations, thus turning the will of the Party into the will of the state through legal procedures.

2.2 The CPC Exercises Leadership Over the Governments at Various Levels Through Its Leading Role in Policymaking, Intra-government Party Organizations, Official Appointment or Removal, and Other Means

The reform of the administrative system is an important part of comprehensively deepening reforms. According to the *Constitution*, the *Organic Law of the State Council of the PRC* and the *Organic Law of the Local People's Congress and Local People' Governments of the PRC*, the members of the State Council are decided by the National People's Congress. The State Council is the executive organ of the National People's Congress and the highest administrative organ of the state. The local people's governments are created by the local people's congresses and are under the leadership of the State Council and the local people's congresses. The decisions of the Party's central committee and local committees are macroscopic, and the specific administrative decisions and professional affairs related to the implementation of Party's decisions are all undertaken by the central and local governments.

The style of leadership of the CPC over the governments at various levels is as follows.

First, governments at various levels need to implement the decisions of the Party committees, and the Party's central committee and local committees take the leading position in policy formulation. The central government and local governments at all levels are under the leadership of the corresponding Party committees at the same level. The Party committees at all levels are the decision-makers and command centers that handle the affairs of their regions, departments, and units. Unlike the Western political parties that generally only provide macro direction for the policies at the national level, all the local Party committees of the CPC need to formulate local policies.

Second, there are Party organizations within the governments at all levels. The Party organizations and Party members holding leading positions within the governments accept the leadership of the Party committees at all levels. This is essentially different from the Western systems. The Western civil service systems require "political neutrality," and political parties generally do not establish their organizations in the governments' administrative system, i.e., the huge civil service system. The Western political parties are unable to realize direct leadership over administrative agencies, and a party organization outside the government has no direct leadership over the members of the party who serve as government officials. However, in China, leading Party members' groups or Party committees are established in the governments at all levels and their departments. These Party organizations within the governments are under the leadership of local Party committees. The government's decisions must be subject to the decisions of the local Party committees, and the implementation of these decisions is guaranteed through the Party organizations within the governments and the Party members working within the governments. The heads of governments at all levels are all the deputy secretaries of local Party committees (their status is second only to the secretaries of local Party committees), and the leaders at government departments are also mostly Party members.

Third, the power of governments at all levels for personnel appointment or removal actually belongs to the Party committees at all levels. "The Party supervising officials" is the first principle for personnel appointment or removal. The heads of governments at all levels and the leading officials at or above the county level are all appointed by the Party committees according to their authority, uniformly recommended and managed by the organization departments, and finally elected and approved by the people's congresses; the government personnel departments for management of civil servants are also guided by the organizational departments of the Party committees at the same level. This is fundamentally different from the model in which Western political parties can only elect political appointees.

2.3 The CPC Exercises Leadership Over the Judicial Organs at All Levels Through Party Committees and Committees of Political and Legal Affairs at All Levels

According to the *Constitution*, the *Organic Law of the People's Courts* and the *Organic Law of the People's Procuratorates*, the people's courts at all levels and the people's procuratorates at all levels are created by the people's congresses at the same levels, to which they are responsible and by which they are supervised. There exists a supervisor–supervisee relationship between the upper and lower levels within the people's court system. The people's courts at higher levels supervise the administration of justice by those at lower levels through procedures such as appealing and supervision over the administration of justice. There exists a leader–follower relationship between the upper and lower levels within the people's procuratorate

system. The people's procuratorates at lower levels are responsible for the people's procuratorates at higher levels.

The Constitution specifies the principle of "judicial independence," but its connotation is quite different from the Western connotation of judicial independence. The principle of judicial independence specified by the Chinese Constitution means that the people's courts and the people's procuratorates exercise judicial power independently and are not subject to interference by any administrative organ, social group, or individual. This principle is fundamentally different from the Western idea of judicial independence which emphasizes that judges hold court trials independently and are not subject to any interference. Internally, Chinese courts and procuratorates exercise their power as a whole, and judges and prosecutors need to accept the leadership of those of higher ranks in the courts and the procuratorates. Externally, according to the expression of judicial independence by the Constitution, Chinese courts and procuratorates exercise their power independently and "are not subject to interference by any administrative organ, social group, or individual," but this does not mean that they are "not subject to interference by any organization or individual," instead the courts and procuratorates must accept leadership and supervision of the people's congresses according to the Constitution and more importantly must accept the leadership of the Party. The *Code of Conduct for Intraparty Political Life under New Circumstances* adopted at the 6th Plenary Session of the 18th CPC Central Committee stipulates: "the Party organizations of the Standing Committee of the National People's Congress, the State Council, the National Committee of the Chinese People's Political Consultative Conference, the Central Commission for Discipline Inspection, the Supreme People's Court, the Supreme People's Procuratorate, all departments of central and state organs, all people's organizations, provinces, autonomous regions, and municipalities directly under the central government, must submit reports on their work to the CPC Central Committee on a regular basis. When studying major issues of overriding importance or making major decisions, the Party organizations must promptly request instructions from and submit reports to the CPC Central Committee, and submit special reports when implementing important decisions of the CPC Central Committee."

Apart from commonly applicable styles of leadership over judicial organs such as establishing Party organizations within judicial organs, management and appointment of principal judicial leaders, and leadership of the Party committees over Party members within judicial organs, the CPC directly exercises leadership over the people's courts, the people's procuratorates, and the governments' public security departments and judicial departments through the political and legal committees of the Party committees at all levels over. The committees of political and legal affairs of the Party committees at various levels are the organs that direct political and legal work. The secretary of the Committee of Political and Legislative Affairs of the CPC Central Committee is a member of the Politburo, the secretaries of the local committees of political and legal affairs are members of the standing committees of the Party committees, and the heads of public security departments, courts, and procuratorates generally serve as deputy secretaries of the committee of political and legal affairs. The role of the committees of political and legal affairs in judicial

activities is macro-level leadership and coordination, mainly reflected in directing and supervising politically the judicial organs to correctly implement the Party's lines, principles, and policies. The Party committees will not examine and approve specific cases or take on all the concrete work of judicial organs.

2.4 The CPC Has Achieved Absolute Leadership Over the Armed Forces Throughout the Country Through the Central Military Commission, Party Committees and Political Commissars, Political Organs, and Primary-Level Party Branches in Troops at All Levels and Serviceman Party Members

Article 19 of the *Law of the People's Republic of China on National Defense* clearly states: "The armed forces of the People's Republic of China accept the leadership of the Communist Party of China. The organizations of the Communist Party of China in the armed forces shall carry out activities in accordance with the *Constitution of the Communist Party of China*." The armed forces of the People's Republic of China consist of the People's Liberation Army, the Chinese People's Armed Police Force, and the Militia. The CPC seized the power through armed struggle. As early as the first domestic revolutionary war, Comrade Mao Zedong presented an important viewpoint that: "Political power grows out of the barrel of a gun" and "All things grow out of the barrel of a gun" and established a system that ensured the leadership of the Party over the army. All armed forces of the People's Republic of China are directly created and led by the CPC.

The CPC always attaches great importance to the armed forces. Compared with the "leadership" over the state and society, the CPC emphasizes its "absolute leadership" over the armed forces. The *Law of the PRC on Officers in Active Service*, the *Regulations Regarding Military Service of Soldiers in Active Service of the Chinese People's Liberation Army*, and the disciplinary regulations all list following the leadership of the Party as the primary duty of servicemen. The first sentence of the oath of the Chinese People's Liberation Army states that: "I promise that I will follow the leadership of the Communist Party of China." The CPC Central Committee and the former General Political Department of the Chinese People's Liberation Army directly stipulate: "no other party is allowed to establish its organizations and carry out activities in the armed forces. Without approval of the corresponding political organs, military members are not allowed to join any democratic party or religious organization, join any local mass organization without authorization or establish any group or organization other than those prescribed by the rules and regulations."[5]

[5] *The Circular of the Central Committee of the Communist Party of China on Forwarding Several Issues Concerning Strengthening and Improving the Political Work in the Armed Forces under New Circumstances Issued by* the General Political Department (February 16, 1990).

The absolute leadership of the CPC over the armed forces throughout the country is achieved through the following methods.

First, the supreme leadership and command of the Chinese armed forces belongs to the CPC Central Committee and the Central Military Commission. The Central Military Commission of the CPC and the Central Military Commission of the PRC are merged into one (the Central Military Commission), and a trinity of leadership consisting of a general secretary of the CPC Central Committee, chairman of the Central Military Commission, and president of the PRC has been adopted. The *Regulations of the Chinese People's Liberation Army on Political Work* stipulates: "The Chinese People's Liberation Army must follow the absolute leadership of the Communist Party of China. Its supreme leadership and command belongs to the CPC Central Committee and the Central Military Commission." The Central Military Commission of the People's Republic of China that directs the armed forces of the country as prescribed by the Constitution and the Central Military Commission of the CPC that has supreme military command according to the *Constitution of the CPC* completely overlap, which is the constitutional practice of "two organs being merged into one with their respective names retained."[6] The members of the Central Military Commission are decided on by the CPC Central Committee, and the chairperson of the Central Military Commission assumes overall responsibility for the work of the Commission. Since the founding of the People's Republic of China, the supreme leaders of the Party and the state have not all served as the general secretary of the CPC Central Committee or president of the PRC, but they have all been the chairmen of the Central Military Commission. Since the 1990s, the "trinity" of leadership as a constitutional practice that one person concurrently assumes the general secretary of the CPC central committee, president of the PRC, and chairman of the Central Military Commission has come into being.

Second, the system of leading cadres assuming separate responsibilities under the unified collective leadership of the Party committee is implemented in the troops at all levels, and the political organs are established in the troops at all levels. The political commissars, together with the chief military officers at the same level, are the chief leaders of their units, assuming joint responsibility for all work in their units under the leadership of the Party committees at the same level. After the Party committee has made a decision, the military and political leaders should fulfill it according to the division of duties. If it belongs to the military work, the chief military officer is responsible for organizing and implementing it; if it belongs to the political work, the

[6] According to the *Circular on the Establishment of the Central Military Commission in the Draft Constitutional Amendment* issued by the Central Committee of the Communist Party of China in 1982, "After the establishment of the Central Military Commission of the People's Republic of China, the Central Military Commission of the Communist Party of China still exercises direct leadership over the armed forces as the military leading organ of the CPC Central Committee. The chairman of the Central Military Commission of the CPC will be elected as the chairman of the Central Military Commission of the PRC through the National People's Congress. In this way, the Central Military Commission of the CPC and the Central Military Commission of the state will actually be "two organs being merged into one with their respective names retained".

political commissar is responsible for its implementation. The military and political leaders must follow the leadership of the Party committee.

Third, "Party branches are organized on a company basis," and Party organizations directly take control of primary-level soldiers. Since the Sanwan reorganization in 1927, the armed forces under the leadership of the CPC have followed the system of establishing a Party branch at every company and a Party group at every platoon and ensuring that there was at least one Party member at every squad, so the Party can take direct control of primary-level soldiers. Party branches are primary-level Party organizations in the armed forces, the important foundation for the Party's entire work and combat effectiveness in the armed forces, and the fighting bastion for the Party to realize absolute leadership over the armed forces, unite and consolidate the troops, and accomplish various tasks.

2.5 The CPC Exerts the Role of Political Core in Enterprises and Social Organizations Through Party Organizations and Party Members

As the ruling party, the scope of the leadership of the CPC is not limited to state power, it also exercises political leadership over the entire society. This kind of leadership gives the CPC the ability to mobilize and control social resources that are unmatchable for the Western parties. This is called "pooling resources to undertake major national initiatives." Before 1949, China's social construction was extremely backward, and the whole society was described as "a sheet of loose sand." Before 1979, China imitated the Soviet model and established a set of top-down unit systems, in which each individual was organized in a political or economic "unit," and the Party organization controlled each Party member and even individual through the units. Trade unions, women's federations, Chinese Communist Youth League organizations, federations of literary and art circles, and federations of returned overseas Chinese all belonged to people's organizations under the leadership of the Party organizations, with a very high degree of social integration. After the reform and opening-up, with the establishment of the socialist market economic system, the civil society has taken shape initially. The 4th Plenary Session of the 16th CPC Central Committee proposed to establish and improve the social governance model under which "Party committees exercise leadership, government assumes responsibility, non-governmental actors provide assistance, and the public get involved," trying to strengthen the Party's leadership over the society in the new situation, especially non-public enterprises and emerging social organizations.

The CPC plays the role of the core of leadership in state-owned enterprises, public institutions, and community-level self-governing organizations (rural villagers' committees and urban residents' committees) through Party organizations established at various levels. The *Company Law*, the *Law on Industrial Enterprises Owned by the Whole People.*, the *Law on Self Governance of Villagers' Committees* and the

Organic Law of Urban Residents' Committees have all set the requirements for the Party organizations in these organizations. According to the *Constitution of the CPC* and the laws, these Party organizations play the role as the core of leadership in the abovementioned organizations, direct and support the boards of directors of enterprises, corporate leaders, villagers' committees and residents' committees to exercise legitimate power, and rally and educate Party members and ordinary people in these organizations, and supervise them to follow the Party's lines, guidelines and policies, conduct democratic scientific management, and safeguard the interests of their members.

The CPC actively strengthens Party building in non-public enterprises and social organizations, and strives to expand the coverage of Party organizations. In 2012, the General Office of the CPC Central Committee specially issued the *Opinions on Strengthening and Improving the Party Building Work of Non-Public Enterprises*, emphasizing that we should expand the coverage of Party organizations and Party work, and recruit more new Party members. Party organizations must give to play the role as the political core among the staff and workers and the politically leading role in the development of enterprises, implement the Party's lines, principles, and policies, safeguard the legitimate rights and interests of the workers and the peoples, and steer the construction of advanced corporate culture.

3 Strengthening and Improving Party Leadership in Building Socialist Democratic Politics

The *Constitution of the People's Republic of China* stipulates that all powers in the People's Republic of China belong to the people. Under the leadership of the Communist Party of China, the Chinese people will continue to develop socialist democracy and improve the socialist legal system. The CPC has drawn the lessons from the failure of the communist parties of the Soviet Union and Eastern European countries and is soberly aware that the Party's leadership and ruling position is granted by the people. People's democracy is the life of socialism. To uphold, strengthen, and improve the Party's leadership, we must promote political structural reform so as to realize the democratic rights, democratic aspirations, and democratic participation of the people, to rally the people of all ethnic groups around the CPC Central Committee through building socialist democratic politics, and to strengthen and improve the Party's leadership in building socialist democratic politics. Since the reform and opening-up, the CPC has conducted a thorough review of China's experiences in building socialist democracy, both positive and negative, and successfully embarked on and adhered to the path of socialist political development with Chinese characteristics. The core of this path is to uphold the unity of the leadership of Party, the position of the people as masters of the country, and law-based governance.

3.1 The Unity of the Leadership of the Party and the Position of the People as Masters of the Country

The leadership of the Party is the fundamental premise for ensuring that the people run the country. As the vanguard of the Chinese people and the Chinese nation, the leadership of the Party fundamentally guarantees that the people participate in the management of state, economic, cultural, and social affairs. To strengthen and improve Party leadership, we must ensure the position of the people as masters of the country by the people and guarantee institutionally and practically that the constitutional norm of "all powers in the People's Republic of China belong to the people" is fully and effectively implemented and embodied.

To realize the organic unity of Party leadership, the position of the people as masters of the country, and law-based governance, we must support and ensure that the people exercise state power through people's congresses. The *Constitution of the People's Republic of China* stipulates that the organs through which the people exercise state power are the National People's Congress and the local people's congresses at different levels. This constitutional principle determines that the primary form for the people to run the country is that the people should take control of state power under the leadership of the Party through the people's congress system. In the process of realizing the Party's leadership, the NPC plays a special role: the approval of the NPC is needed to turn the propositions of the CPC into the will of the state, and the Party's decisions will only become the laws of the state after they are adopted at the NPC, and the leaders of the Party should be elected by the people's congresses as the leading members of state organs.

In order to improve the system of people's congresses, we must improve the legislative procedures to enable the people's congresses to better perform their functions so as to ensure that the CPC leads the people in making laws and the propositions of the Party are turned into the will of the state through legal procedures and avoid replacing the will of the people with local or departmental interests; we must ensure the power of oversight of the NPC is implemented, and strengthen examination and oversight of all government budgets and final accounts. In terms of deputies to the people's congresses, we must enhance their capability to perform their duties pursuant to law and increase the number of full-time members; expand the scope of direct and competitive elections; increase the proportion of community-level deputies to people's congresses, particularly those elected from among workers, farmers, and intellectuals on the frontlines of various fields of endeavor, and reduce the proportion of deputies from among leading Party and government officials; we must establish deputy liaison offices in people's congresses to improve the mechanism for deputies to maintain contact with the people.

To realize the unity of the leadership of the Party and the position of the people as masters of the country, we should actively explore new forms of socialist consultative democracy. European and American countries regard competitive elections as the only form of democracy. This view is one-sided and has its insurmountable

drawbacks: due to the uneven distribution of social resources, competitive elections are mostly controlled by capital, and the scope and ability of people's political participation are restricted; competitive elections enhance differences and oppositions among various social interest groups, which is not conducive to social harmony and stability; competitive elections are very costly, resulting in heavy social and economic burdens. Having learned from the experience and lessons of the development of world democratic politics, especially from the drawbacks of electoral democracy, the CPC proposed for the first time to improve the system of socialist consultative democracy and explore diverse forms of democracy in the report to the 18th CPC National Congress.

To promote the building of socialist consultative democracy, while improving the system of multiparty cooperation and political consultation and exerting the supervisory role of individuals with no Party affiliation, we should especially actively explore the forms of consultative democracy at the community level. In recent years, a well-functioning model of consultative democracy has emerged in some areas. In Yingtan in Jiangxi Province, Wenling in Zhejiang Province, Qingxian in Hebei, and Chengdu in Sichuan Province, there have been successful examples of ordinary people participating in government decision-making through consultative mechanisms, with the contents covering government budgets, rural governance, public resource allocation, and industrial development. This is gradually being promoted from the township level to the higher levels throughout the country. Compared with purely electoral democracy, consultative democracy has better guaranteed the people's true participation in the decision-making process, and plays a role in strengthening communication, improving decision-making, and alleviating contradictions. Meanwhile, it has also provided valuable experience in scientific and democratic public decision-making and exploring new political models that transcend electoral democracy under the premise of upholding the leadership of the Party.

To achieve the unity of the leadership of the Party and the position of the people as masters of the country, we should improve community-level democracy. Community-level democracy is to achieve self-management, self-service, self-education, and self-oversight in exercising urban and rural community governance, in managing community-level public affairs, and in running public service programs. Through the mechanisms such as rural villagers' committees, urban residents' committees, and congresses of enterprise workers and staff of enterprises and public institutions, we will enable the people to directly exercise their democratic rights in managing community-level affairs and motivate their enthusiasm and creativity to achieve broad political participation. However, due to our limited experience in practicing community-level democracy and imbalanced regional development, we are still far from forming a universal and mature institutional design for community-level democracy. There still exist phenomena such as unclear relationships between primary-level Party organizations and self-governing mass organizations, low participation in community-level self-governing organizations, and insufficient participation in community-level elections.

To improve the system of community-level democracy, we should pay special attention to coordinating the relationship between primary-level Party organizations

and self-governing organizations. In this regard, some effective forms have already been explored, such as the "two-vote system" in rural community-level democracy. In the election at the expiration of office terms for rural Party branches, public opinion polls will first be organized for villagers to "vote for confidence" for candidate members of Party branches, and only those who win more than half of the votes will become formal candidates. Villagers participate in creating Party branches and villagers' committees, thus realizing the interaction between community-level intra-Party democracy and the people's democracy. In addition, apart from democratic elections, we should also explore new forms and mechanisms of mass political participation and democratic consultation in practicing community-level democracy, such as villagers' councils, to combine the people's democracy with consultative democracy.

To achieve the unity of the leadership of the Party and the position of the people as masters of the country, we should fully safeguard the rights of the people. Respecting and safeguarding human rights is one of the basic principles of the Chinese Constitution. The CPC has always attached importance to ensuring that the people enjoy extensive rights and freedoms in accordance with the law. It is particularly noteworthy that the CPC attaches more importance to economic and social rights, with particular emphasis on the right to life and the right to development as the primary rights of man. This is different from the Western view of human rights that attach too much importance to political rights. Historically, this divergence on the view of human rights is closely related to the basic conditions of China as a late-developer that was ravaged by wars and turmoil, hunger, and poverty for a long time in recent times and is now shouldering the arduous task of solving the issue of subsistence and development of nearly 1.4 billion people. Guided by the view of human rights emphasizing economic and social rights, China will take economic development as the central task, strive to improve the people's living standards as the primary task of realizing human rights, and give priority to the work of poverty reduction. In addition, China will strive to build a comprehensive social security system, give priority to environmental protection and ecological construction, improve the education and employment system, and ensure that the people enjoy the sustained right to life, health, and development.

Meanwhile, the Constitution specifies the extensive fundamental rights and freedoms of citizens, including the right to vote and to stand for election, freedom of speech, of the press, of assembly, of association, of procession and of demonstration, and freedom of religious belief. However, the Constitution also emphasizes that every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law, and citizens of the People's Republic of China, in exercising their freedoms and rights, shall not infringe upon the interests of the state, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

3.2 The Unity of the Party's Leadership and Law-Based Governance

The 15th CPC National Congress proposed that the rule of law is the basic principle of the Party as it leads the people in governing the country, and this basic principle was later written into the Constitution. Based on the historical lessons in the rule of law since the founding of the People's Republic of China, the constitution of the CPC emphasizes that the Party must act within the scope of the country's Constitution and the law. This requires that the Party's leadership must be carried out within the framework of the Constitution and the law, thus ensuring that all the work of the state is performed under the rule of law and institutionalizing and legalizing socialist democracy. Since the reform and opening-up, China has made great achievements in the socialist rule of law. The socialist legal system has been basically established, and the degree of rule of law in economic, political, cultural, and social affairs has been greatly improved. However, some Party members and leading officials lack the ability to apply ideas and ways of rule of law and can hardly truly combine the Party's leadership with the rule of law. Some Party and government organs are accustomed to applying political means rather than legal means, and meanwhile some Party and government leading officials abuse their powers, override the law with their own orders, and abuse the law, which has not only affected the rule of law, but also seriously undermined the leadership of the Party and must be corrected.

To achieve the unity of the Party's leadership and law-based governance, we must first improve the ability of leading officials at all levels to apply ideas and ways of rule of law. The leadership of the CPC is the leadership within the scope of the Constitution and the law. Party and government organs at all levels should act within the scope of the Constitution and the law. Party and government leading officials at all levels should exercise their functions and duties in accordance with the statutory powers and procedures. It is noteworthy that the report to the 19th CPC National Congress stated that we should improve the systems and mechanisms of the Party's leadership and "our Party must be both politically strong and highly competent." In the process of resolving social conflicts, Party and government organs at various levels should apply legal means, follow legal procedures, firmly uphold the ideas of strictly performing duties according to law, all being equal before the law, respecting and safeguarding human rights, and further enhance procedure awareness, authority awareness, and awareness of consciously accepting supervision so as to avoid the infringement and suppression of public rights on the legitimate rights of people.

To achieve the unity of the Party's leadership and law-based governance, we should actively turn the propositions of the Party to the will of the state through legislative procedures. The people's congresses at various levels are the organs of state power as stipulated in the Constitution and have legislative power. Party organizations at various levels should support the people's congresses to perform their functions in accordance with the law and should bring into play the role of leading Party members' groups and representatives of Party members in the people's congresses at all levels so as to turn the propositions of the Party into the will of the state

through legal procedures and eradicate the misconduct of overriding the law with the Party's policies, documents, or speeches of leaders of Party organizations. In the process of legislation, the Party must always represent the fundamental interests of the overwhelming majority of the people and prevent overriding the overall interests by the interests of individual groups or departments. By allowing equal participation of and full consultation with groups representing different interests, the Party can play the role of pooling wisdom and forging consensuses in legislation and actively formalize the effective practices formed during the reform and opening-up into laws and regulations.

To achieve the unity of the Party's leadership and law-based governance, the Party should safeguard the legitimate rights and interests of citizens in the process of strict law enforcement and just judicature. The Party should ensure that state administration and judicial organs perform their functions and powers according to law, and strengthen the role of judicial organs in checks on and oversight over the exercise of public power. In particular, we must uphold the principle that all people are equal before the law. When dealing with actions of Party members holding leading positions in violation of Party discipline or state laws, the judicial process should not be judged as a mere appendage to Party discipline, but instead those who violate Party disciplines or laws should be seriously held accountable and punished justly through strict, rational, civilized disciplinary and judicial means while safeguarding their legal rights.

3.3 Promoting the New Great Cause of Party Building

To strengthen and improve the Party's leadership, we must first impose strict Party discipline and safeguard the centralized leadership of the Party. Democratic centralism is the Party's fundamental organizational principle and leadership principle. Democracy without centralism may lead to anarchy, so democracy must be under leadership and well-organized. Centralized leadership of the Party is the source of its strength and a fundamental guarantee for China's economic and social development, ethnic unity and progress, and enduring peace and stability. The report to the 18th CPC National Congress emphasizes that all Party members and officials must strictly follow the leadership of the CPC Central Committee, and no one is allowed to place oneself above the Party organization. Only when the authoritativeness of the CPC Central Committee is guaranteed can we consolidate the unity within the Party and improve decision-making efficiency and power of action.

To strengthen and improve the Party's leadership, the Party needs to adhere to the mass line and maintain close ties with the people. Serving the people is the fundamental purpose of the CPC. The mass line is always the lifeblood and fundamental work line of the Party. The report to the 18th CPC National Congress states that to maintain the Party's advanced nature and purity, we should carry out intensive activities throughout the Party to study and practice its mass line, with the focus on the need to serve the people and to be down-to-earth, honest, and upright in conduct.

In June 2013, the campaign throughout the Party to study and practice its mass line was officially launched, and its main task focused on improving the Party's conduct and addressing the practice of formalities for formalities' sake, bureaucratism, hedonism, and extravagance. It is noteworthy that to follow the mass line, we should give full play to the role of social organizations and support people's organizations such as trade unions, the Chinese Communist Youth League, and women's federations in fully playing their roles as bridges linking the Party and government with the people, voicing public concern, and protecting people's legitimate rights and interests.

To strengthen and improve the Party's leadership, we should strengthen the building of primary-level Party organizations and achieve their full coverage throughout the country and society. Primary-level organizations are the organizational foundation for the exercise of governance by the Party. Primary-level Party organizations play a key role in rallying and leading the people in implementing the Party's theories, line, principles, and policies and in carrying out its tasks. With regard to the direction of future development of primary-level Party organizations, we must attach equal importance to coverage and leadership: first, we should expand the coverage of Party organizations and Party work, standardize the Party's leadership over community-level self-governing organizations, coordinate the division of labor between them, and rationalize the relationship between Party affairs and village affairs; second, primary-level Party organizations should maintain close ties with the people as their traditional working style, and Party organizations should exert the leadership role in defusing social tensions and promoting local development and construction, and help solve the practical problems faced by the people in their daily lives; third, we should strengthen and improve the education and management of Party members and attract more high-quality talents to join primary-level Party organizations.

To strengthen and improve the Party's leadership, we should fully encourage intra-party democracy and safeguard the rights of Party members. Promoting people's democracy through intra-Party democracy is an important creation of the CPC in building democratic politics. To develop intra-Party democracy, we need to start from improving the intra-Party system. First, we must safeguard the democratic rights of Party members, including the rights to be informed, to participate, to be heard, and to oversee. We should improve the system of Party congresses, raise the proportion of delegates from among workers and farmers to them, implement and introduce the system for delegates to Party congresses to submit proposals; expand intra-Party democracy at the community level and promote direct elections and competitive elections at primary-level Party branches. Second, we should ensure collective deliberation in the decision-making process, so that important decisions are formulated after full discussions and consultations. We should strengthen the decision-making and oversight role of plenary sessions of Party committees, and improve procedural rules and decision-making procedures of their standing committees. We should also implement the system for local Party committees to make decisions on major issues and appoint key officials by ballot and tackle the problem of excessive concentration of power of the heads of local Party committees. Third, we should strengthen intra-Party oversight and enhance the transparency of intra-Party affairs through making

arrangements for Party members to assess the performance of leading bodies of community-level Party organizations on a regular basis and to sit in on meetings of community-level Party committees.

To strengthen and improve the leadership of the Party, we should step up efforts to build a clean and honest government and deepen the anti-corruption campaign. Combating corruption and promoting political integrity, which is a major political issue of great concern to the people, is a clear-cut and long-term political commitment of the Party. To combat corruption and uphold integrity, we should establish and improve a system of combating corruption through both punishment and prevention, improve the democratic procedures in the process of decision-making and personnel appointment or removal, and supervise and restrict the power of the heads. We should establish and strictly implement the systems for leading officials at all levels to report all important facts concerned and for officials to declare their properties and assets, and should strengthen supervision over their family and staff. We must ensure that the Party's internal affairs are open and transparent, and give to play the supervisory role of social forces, such as promoting the disclosure of government information, Party affair information and officials' properties and assets, and improving the protection of real-name reporting of corruption. We should give to play the role of law in fighting corruption and handle corruption through judicial means. Leading officials who violate the laws should be transferred to the judicial organs for handling, and punishment according to Party and administrative disciplines should not replace legal sanctions. By drawing on the effective anti-corruption experience of foreign countries, such as improving remunerations and security of staff of government agencies, we should explore new channels of anti-corruption.

Chapter 2
Party and Government Policies in China's Politics

Peng Fan

In any country, effective political authoritativeness is indispensable for maintaining a basic social order and allocating social resources fairly and justly, and political authoritativeness must be realized through an effective decision-making system. China is no exception. To a large extent, getting a clear picture of how a country's decision-making system functions may help better understand the characteristics and nature of the country than simply examining its constitutional system or discussing its political system in an abstract way.

American scholars have ever concluded that contemporary China studies in the West have experienced the alternation of three generations since World War II, but in our view, although the methodologies used by these three generations of experts on China studies and their focal points varied in different periods, an important object of study, i.e., China's decision-making system, has never left their field of vision. This is because, in their eyes, it is always the huge and complex system created by the CPC that enabled China to establish and steer its huge planned economic system before the reform and opening-up and promoted state, market, and social transformation and steer the reforms and development in China after the reform and opening-up, while it is exactly the central decision-making system that integrates and steers this system. If we avoid observing the institutional decision-making mechanism, it will undoubtedly obscure our perception of Chinese politics and government.

Compared with its past in a long period of history and even before the reform and opening-up, today's China is not only the country with the largest population in the world, but also one of the countries where tremendous social changes have taken place in the past three decades. China's current Party and government decision-making system may not be the most "democratic" one in the eyes of Westerners, but it is regarded by more and more people as the most effective political system and policy decision-making system that enables people to gain a stronger sense of fulfillment.

P. Fan (✉)
Beijing, China
e-mail: fanpengcass@163.com

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In recent years, China has introduced a large number of magnitude economic and social policies, and the decision-making system is an important driving mechanism behind China's development and rise. A Western scholar has ever stated that "China has been able to successfully cope with various types of crises. The most important strength of the Chinese political system is its ability to make large, complex decisions quickly and to implement them effectively, at least in economic policy." In fact, it excels in far more than the field of economic policy. Compared with those of other countries, China's decision-making system has the same excellent performance in the fields of diplomacy, energy, finance, agriculture, education, and medical care.

What kind of decision-making system is behind this? How does China's Party-government system formulate major policies and make decisions today? Compared with the past, what are the distinctive characteristics of the Party and government decision-making system in terms of agenda setting, policy formulation, policy coordination, decision-making consultation, and effective decision-making? Compared with modern and contemporary Western countries, what are the distinctive characteristics of China's decision-making system? What are the advantages of these characteristics relative to China's historical conditions?

1 Basic Structure and Characteristics of the Decision-Making System

China's current Party and government decision-making system is basically a continuation of the basic institutional structure consisting of "the four major institutions" and "the four major systems" established under the leadership of the Communist Party of China after the founding of the People's Republic of China, but affected by the dramatic changes in economic and social structures, the models for proposing and setting major Party and government policy agendas in China have changed dramatically. Social agendas are rapidly emerging in China and have a profound influence on Party and government decision-making. The actual participation structure of central-level Party and government decision-making and the interaction process of policy formation are undergoing profound changes, and the democratic participation and extensive interactivity characteristics of the formulation of major policies and decision-making of the Party and the government are becoming increasingly stronger.

1.1 Four Major Systems of China's Decision-Making System

Unlike the "separation of powers" in the Western political system, the most distinctive characteristics of China's political system can be summarized into two aspects. First, the strong leadership of the CPC. The leadership of the Communist Party of China is

the most essential characteristics of the socialist system with Chinese characteristics. The report to the 19th CPC National Congress stated: "The Party exercises overall leadership over all areas of endeavor in every part of the country." Second, the multi-party cooperation and political consultation under the leadership of the Communist Party of China, which is reflected in the Party and government decision-making system. China's Party and government decision-making system mainly covers the central and local levels and consists of four major parts, which are referred to as the "Four Major Institutions" at the local level (mainly at the provincial level), i.e., the Party committee, the government, the people's congress, and the Chinese People's Political Consultative Conference (CPPCC), or as the "Four Major Systems" at the central level, i.e., the Standing Committee of the Political Bureau of the CPC Central Committee and the three major systems of the State Council, the National People's Congress, and the CPPCC National Committee.

The Standing Committee of the Political Bureau of the CPC Central Committee, referred to briefly as "the Politburo Standing Committee," is elected by the plenary session of the CPC Central Committee, and its term of office is the same as that of the CPC Central Committee. Its members, referred to briefly as "members of the Politburo Standing Committee," are important members of the central collective leadership of the CPC and usually important leaders of the People's Republic of China. The *Constitution of the Communist Party of China* stipulates that when the Central Committee is not in session, the Political Bureau and its Standing Committee exercise the functions and powers of the Central Committee; and when the Political Bureau is not in session, the Standing Committee of the Political Bureau exercise the functions and powers of the Political Bureau. The "central" in China's political system generally refers to the Political Bureau of the Central Committee of the CPC and its Standing Committee.

The State Council, or the Central People's Government, of the People's Republic of China is the executive body of the highest organ of state power and the highest organ of state administration. The State Council is composed of a premier, vice-premiers, State councilors, ministers in charge of ministries and commissions, the auditor-general, and the secretary-general. The Premier assumes overall responsibility for the work of the State Council. The ministers assume overall responsibility for the work of the ministries and commissions. The current basic organizational structure of the State Council is prescribed by the *Notice of the State Council on the Establishment of Institutions* promulgated on March 21, 2008. After the new central leadership took office on March 10, 2013, the Plan for Institutional Reform and Functional Transformation of the State Council was announced, and the departmental structure was slightly adjusted. At present, the organizations under the State Council include the General Office, departments constituting the State Council (25), special organization directly under the State Council (1), organizations directly under the State Council (16), administrative offices under the State Council (4), public institutions directly under the State Council (17), administrations and bureaus under the ministries and commissions of the State Council (22), and deliberation and coordination agencies of the State Council (33).

The National People's Congress, referred to briefly as "the NPC," is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress. The NPC and its Standing Committee exercise the legislative power of the state. The NPC is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the central government, special administrative regions, and of deputies elected from the armed forces. The NPC Standing Committee as the permanent body of the NPC is composed of a Chairman, Vice-Chairmen, the Secretary-General, and other members. Its main functions are to deal with the affairs related to the meetings of the NPC and its Standing Committee, as well as daily documents, archives, and foreign affairs in organs and liaison with NPC deputies and the standing committees of the people's congresses of the provinces, autonomous regions, and municipalities directly under the central government.

The National Committee of the Chinese People's Political Consultative Conference, referred to briefly as "the CPPCC National Committee," is a national organization of the CPPCC. The CPPCC National Committee is composed of representatives from the CPC, democratic parties, personages without party affiliation, mass organizations, ethnic groups, various sectors of society, compatriots from Taiwan region, Hong Kong Special Administrative Region and Macao Special Administrative Region, returned overseas Chinese, and specially invited public figures. The CPPCC National Committee is elected for a term of 5 years. It has a Chairman, several Vice-chairmen, and a Secretary-general. It is the fourth largest state-level unit ranking only after the CPC Central Committee, the NPC Standing Committee, and the State Council. The permanent establishment is the Standing Committee of the CPPCC National Committee, and the Standing Committee meeting is chaired by the Chairman of the National Committee.

Among the above four systems, the CPPCC is an important institution of multiparty cooperation and political consultation under the leadership of the CPC. It conducts consultations before policy decisions are made. The real central decision-making bodies are mainly the former three systems, among which the Politburo (with the Politburo Standing Committee as the core) and the State Council play the dominant role and are commonly referred to as "the decision-making bodies of the Party and the government." The Politburo Standing Committee, the State Council, and the NPC have a clear division of duties when formulating major policies and making major decisions. The Politburo and its Standing Committee grasp the ruling line and principles. The NPC, the State Council, the Supreme People's Court, and the Supreme People's Procuratorate must carry out their work under the leadership of the CPC. Among them, the State Council formulates specific policies in important areas, and the NPC fulfills the relevant legal procedures. Based on the decision-making processes, the Party and government decision-making system can be divided into the policy drafting mechanism (lower level), the policy coordination mechanism (middle level), and the policy decision-making mechanism (highest decision-making level). The historical achievements China has made in the past 60 years, especially in the past 40 years of reform and opening-up, show that the current Party and government decision-making system encourages bold exploration, encourages "crossing the river by feeling the stones," and promotes various practices and trials. On this

basis, it can ensure that the direction of socialist reform remains unwavering and is not distorted and that the policies in all important areas are formulated and implemented systematically, holistically, and synergistically so as to adapt to the changes in social development and meet the rising economic, social, and cultural life demands of the people.

1.2 Agenda Setting in Party and Government Decision-Making: From the State Will to Social Advocacy

Policy agenda generation is the most important part of a political system. With limited resources to cope with challenges in most occasions, the government tends to tackle the toughest challenges, while a policy agenda is precisely the premise for allocating decision-making resources. The agenda setting processes and models tend to be different in different political systems and social environments. Usually, in an open political system, policy agenda setting is influenced by the media, the public, interest groups, political parties, think tanks, and government decision-making bodies. This is an extremely complicated process. The policy agenda setting mechanism may reveal the nature of a country's political system and is also an important angle for observing the government's decision-making democracy and response ability. As far as this is concerned, China is no exception. To understand China's Party and government decision-making, you must first understand: How is the central agenda set? Who will participate in agenda setting?

In the early years after the founding of the People's Republic of China, China established the people's democratic political system under the leadership of the CPC. However, affected by the "Cold War mentality," many overseas scholars on China studies often used Totalitarianism indiscriminately and imagined the Chinese political system of this period as an extremely closed system. One of the most important reasons is that China did not have independent social forces during this period, and the initiation and proposal of major policies were completely monopolized by a small number of leaders and Party and government cadres. In a traditional society, when the general public was not conscious of the importance of political participation, the development agendas in this society were mainly controlled by a few elites and gentries. After the founding of the People's Republic of China, although the masses were widely mobilized to participate in the implementation of policies, the generation of policy agenda was mainly determined by the closed system of Party and government cadres. In this model, there was no place for public agenda. The proposers of agenda as the decision-makers themselves did not seek public support or believed that there was no need to seek public support when deciding the agenda. However, for a long period of time since the founding of the People's Republic of China, to a large extent, the interests of the people were uniform, the main contradictions existed between central and local interests and between partial and overall interests, and there were no diversified, decentralized social interests and demands

independent of the state. In such case, the Party and the government could draw up plans for setting major development agendas so as to better formulate the overall plans for national economic growth and social development. Therefore, during this period, the Party and government decision-making at the central level mainly focused on formulating the development plans at various stages, and the Party and government decision-making at the departmental level also focused on formulating sectoral development plans.

Since the reform and opening-up, with the development of China, the Chinese government's policy agenda setting model has changed dramatically. The most significant change has occurred in the relationship between state and society. Particularly, after the development direction of the socialist market economy was identified, a wide range of social forces have emerged, and China's "political space" has undergone tremendous changes. Up till now, the private sector and "companies" have replaced the previous unit system and become social actors. In such case, the original uniform interests of the people have evolved into the interests of countless groups and individuals. The main contradictions have also changed from the contradictions between central and local interests and between partial and overall interests to the contradictions among different institutions, social groups, strata, classes, and even opinion groups. Particularly, in the stage from the past "increment" reform to the reform in which "increment" and "stock" coexist, how to rationally and fairly allocate economic and social resources has also become an issue that the decision-makers have to face. Since the mid-1990s, social policies have gradually emerged in China. Unlike the past policies that focused simply on economic development, social policies involve more directly the interests of social groups, and the contradictions that need to be coordinated are more direct and serious. During this process, different social groups are no longer satisfied with passively waiting for policies and decisions that have a bearing on their own interests. Instead, they have taken actions and participated in and influenced the generation of policy agendas in different ways.

This is most evidently demonstrated in the evolution of China's policy agenda setting from the traditional "door-closed" model of agenda generation into an open one in which social agendas began to emerge and take a place. Since the late 1990s, more and more important public agendas have gradually aroused the attention of policy makers and eventually evolved into government agendas. An important characteristic is that media agendas and public agendas have given a strong impetus to government policy agendas. The criticisms of media and public opinions toward the original policies related to the issues concerning agriculture, countryside and farmers, and the issues concerning migrant workers, household registration reform, compulsory education, public health, etc., come generally 3–5 years earlier than policy adjustment, so there is no doubt that the former acts as a promoter to the latter.

A recent reform in public health in China is a perfect example of the evolution of emerging of social agendas into public agendas and then into a Party and government decision-making agenda. In 2003, the outbreak of SARS in China spurred a nationwide debate on the medical reform. The media and the public were paying more and more attention to the topic of medical reform. On the emerging Internet and other media, the public raised doubts and criticisms on the policy orientation in

the field of medical and health services. Facing huge pressure from public opinion and high social expectations, the government began discussions on the policy agenda for a new round of medical system reform. In this period, the Ministry of Health, the Ministry of Labor and Social Security, and other ministries and commissions related to medical and health policies focused their attention coincidentally on investigation and research on medical and health policies. After a series of internal discussions and brewing in the government, the agenda setting for a new round of medical reform was finally completed in 2006, and the policy formulation process was officially initiated. So far, it has become a common phenomenon in China that social advocacies have been involved into Party and government decisions one after the other. This reveals the most profound changes in China's political system in the past 40 years of reform and opening-up.

1.3 The Participation Structure of Party and Government Decision-Making: From Unitary Domination to Multiple Participation

In the traditional closed decision-making model, policy agendas were monopolized by a few people, and there was no place for social agendas and public agendas. After the reform objective was set, the decision-making process itself also lacked broad participation. In this system, major decisions were completely monopolized by the top leaders or leading Party and government leaders at different levels, and the process of government decision-making was regarded as the "dictatorial rule" of the "top leaders." Thanks to the fine tradition of "democratic centralism" formed by the CPC in the long-term revolutionary life, the central government had once successfully established a model of internal collective decision-making which had played an active role in the formulation of major economic policies in the early years after the founding of the People's Republic of China. But in general, in a long period of time, the power of decision-making was confined to "a small circle."

Decision-making under the "dictatorial rule" or decision-making by "a small circle" is characterized by its emphasis on the importance of individual authority in the decision-making process. The source of decision-making information comes entirely from the inside, and the decision-making model has the hues of individual arbitrariness. Although some internal decision-makers within the Party and government bureaucratic system participated in the decision-making processes, their opinions could hardly be expressed or respected in many occasions, and the masses

and social forces had even fewer opportunities to participate in various decision-making processes.[1] Based on the historical experience, this decision-making model is generally ineffective.[2]

However, with the changes in China's social and economic structures, the decision-making agendas have changed significantly in China today, and the participators in policy formulation and decision-making are no longer limited to Party and government leaders and government officials at different levels. Think tanks, non-governmental organizations, special interest groups, international organizations, and the general public have also participated in this process. Due to the participation of many stakeholders, the "structure" and "process" of policy-making have inevitably changed profoundly. The number of participators in formulating major policies is growing, including not only the top decision-makers, the decision-makers of inter-ministerial coordination agencies, and the decision-makers of various government departments, but also various types of policy research institutions, relevant interest groups and many ordinary people. They all influence the process of policy-making through different channels and ways. For example, in the new round of medical reform, public policy experts, scholars, and research institutions have been involved in the policy formulation trajectory with unprecedented enthusiasm and scale. Their participation in policy formulation is expanding at an unprecedented depth and breadth. More than ten domestic and overseas policy research institutions have been invited to provide reform schemes to the central government. Medical industry associations at different levels have also been involved in the policy-making process, and even representatives of the overseas pharmaceutical industries have found a channel for interest expression in the policy formulation process.

The evolution of Party and government decision-making from unitary domination into multiple participation is far beyond what is illustrated by this example. In fact, in today's China, the pattern of multiple participation can be seen in the decision-making processes in many major areas. For example, in the areas of energy, climate, science and technology, and even education, China's model of policy decision-making is no longer a closed one or a "consultative" one simply based the opinions of internal government think tanks, but a public decision-making model with Chinese characteristics that involves a wider range of social forces.

[1] James Townsend, *Political Participation in Communist China*, Berkeley and Los Angeles: University of California Press, 1967.

[2] After the founding of the People's Republic of China, the model of decision-making under the "dictatorial rule" mainly appeared on the top level of the political system and is mainly reflected in the decision-making on the direction of the major policies. At other levels (especially at the grassroots level), the fine styles of mass line, extensive research, and collective decision-making are still maintained.

1.4 Party and Government Decision-Making Process: From Interaction Within the System to Extensive Interaction Within and Outside the System

Affected by the changes in the Party and government decision-making participation structure, the process of central Party and government decision-making has also changed dramatically.

In the traditional closed decision-making system, the decision-making power was monopolized by the Party and government departments, but affected by China's highly fragmented and segmented system and the factors such as division of functions among different policy departments within the system, professional perspectives, and even ideology; China's decision-making power was highly dispersed within different power organizations and departments of the Party and the State, forming diversified political groups and decision-making platforms. Although there were little open debates on various policy agendas within the Party and the government, the policies that had been formed were actually the products of internal interaction and competition within the system because different political groups and decision-making platforms had different leadership structures, faced different political pressures and possessed different political resources.

However, in today's China, the interaction process of decision-making is obviously no longer limited to the interaction within the system, but has gradually been evolved into more extensive participation and interactions within and outside the system.

On the one hand, new social forces are emerging, which is manifested as the opening of different policy preferences and interest requests in the society, and different stakeholders begin to get involved in the policy-making processes. Ordinary people, policy research groups, relevant interest groups, and other groups are all influencing policy formulation in their own ways. The actions they have taken and the interactions between them have far exceeded expectations. On the other hand, while formulating and making decisions for major policies, Chinese policy makers have also begun to adopt various active and positive ways to encourage people from all walks of life to come up with constructive suggestions and widely draw upon useful opinions and suggestions in various stages of decision-making so as to adapt to the changing situations and respond to the growing demands of public opinion. Many evidences show that the decision-makers of the Chinese central government today are more willing than ever before to expand their policy network.

Under the action of the above two aspects, China's policy-making process has undergone great changes. Compared with the traditional system, the Party and government's top leaders and officials no longer monopolize the power of policy formulation, and the policy formulation process is no longer limited to the interactions among various departments within the system and between the central and local levels. The new policy-making process has a richer picture: interaction among departments, interaction between the central and local levels, extensive public discussions and debates across the country, as well as interaction among various policy

research groups and interest groups within and outside the government and interaction between these groups and the governments at all levels. In short, the recognition of the Chinese government's decision-making process as the "dictatorial rule" is totally inconsistent with China's reality, and the recognition of the central government's decision-making as a process of gaming between departments has also lagged far behind the development of real politics.

It is particularly noteworthy that the decision-making models of the Party and the government in today's China are greatly different. Great changes have taken place in information acquisition for decision-making, listening and adoption of opinions, consultation and coordination of policies, integration of different opinions and preferences, and final decision-making. Then, how does China's Party and government decision-making system respond to changes in the participation structure and the interaction process? How does it attract enthusiastic social participants? How does it coordinate different social appeals and demands? How does it effectively "assemble" different policy preferences, propositions, and schemes to make final decisions? These questions are critical to understanding China's Party and government decision-making system.

To find the answers to these questions, we must have a good knowledge of the basic process of policy formation. The extensive interactions within and outside the system should not be divorced from the Party and government decision-makers. Based on the decision-makers, the central Party and government decision-making system can be divided into three levels: the decision-making departments of the ministries and commissions under the State Council, various inter-ministerial coordination agencies, and the highest decision-makers of the central government. Based on the process of policy formulation and decision-making, China's Party and government decision-making can also be divided into three levels: "policy drafting and deliberation" (carried out by the decision-making departments of the ministries and commissions under the State Council), "policy coordination and integration" (carried out by the policy coordination and leading organizations established by the State Council and the CPC Central Committee), and "final decision-making" (carried out by the highest decision-making group represented by the Politburo Standing Committee).

2 Policy Drafting and Deliberation

China's Party and government decision-making mainly refer to the decision-making of major policies in the process of national development. Policies are the basis of such decision-making. In other words, the most fundamental contents of Party and government decision-making are to formulate policies, determine policies, and implement policies according to the actual situations. Among them, effective policy formulation is the first link of decision-making. How to ensure that policies are instituted democratically and effectively is the premise and basis for making final decisions.

In many Western countries, policy generation is primarily influenced by pluralist politics, which is the product of consultations between organized social groups and

policy advocacy groups and the ruling group. In China, in contrast, although the interactions within and outside the system are becoming increasingly frequent and various policy advocacy groups are exerting a growing influence on the government, the policy makers are still the governments. More precisely, the ministries and commissions under the State Council or the central government are the core protagonists in formulating China's major economic and social policies.

According to China's government system, the State Council defines departments strictly according to business areas, and each department represents a vertical business administration system, i.e., "segment" (relative to the horizontal "fragment" which stands for a local government). At the level of the State Council, there are three types of institutions, namely "commissions," "ministries," and "administrations and bureaus." Among them, the commissions under the State Council are comprehensive in nature, including the National Development and Reform Commission, the State Ethnic Affairs Commission, and the National Health and Family Planning Commission. The commissions outrank the ministries, while the bureaus and administrations rank below the ministries. The ministries are of the cabinet level. After the new round of institutional reform of the State Council in 2013, there are 25 cabinet-level departments constituting the State Council (including the three "commissions"). In addition, among the organizations directly under the State Council, there are eight general administrations which are also of the cabinet level. The bureaus and administrations are of the sub-cabinet level. There are more than 20 administrations and bureaus which fall into two major categories: the organizations directly under the State Council (such as the National Tourism Administration and the State Bureau of Religious Affairs) and the administrations and bureaus under the ministries and commissions of the State Council (such as the Civil Aviation Administration of China and the State Post Bureau under the Ministry of Transport, and the National Administration of Surveying, Mapping and Geoinformation and the State Ocean Administration under the Ministry of Land and Resources).

In China, once the agendas for major national policies are set, they will generally be studied, discussed, and formulated by the ministries and commissions based on the principle of division of functions. Various social groups and policy advocacy groups can only influence decision-making and express their opinions and demands at a certain policy link, but they can hardly manipulate decision-making through the extensive "veto points" within the system as in Western countries. To a large extent, getting a clear picture of the policy processes of these ministries and commissions is critical for understanding China's central Party and government decision-making system. According to comprehensive analysis of the decision-making processes of the central departments, departmental decision-making can be divided into three major parts. First, decentralized policy drafting. That is, according to a decentralized decision-making model, opinions are drafted internally with a department. Second, widely drawing upon opinions. That is, based on the drafted opinions, the department interacts with various social circles and fully draws upon various social opinions and requests. Third, parallel consultations between ministries and commissions. That is, the departments associated with the policies conduct parallel exchanges and discussions.

2.1 Decentralized Policy Drafting

Various functional ministries and commissions under the State Council generally adopt a relatively decentralized model of policy formulation, the principles of which can be summarized as "fragmented drafting, departmental fulfillment, parallel consultation, submitting level by level, and unified collection."

After the State Council has identified the decision-making agenda and the general direction, the general scheme will usually be divided into several major parts and assigned to different ministries for drafting. Each part will be mainly drafted by one ministry or commission, and other departments will cooperate. In each policy link, a major functional department will conduct in-depth research on the relevant issues and explore, identify, and select feasible reform options so as to effectively form the "departmental" opinions at the departmental level.

After policy formulation is assigned to a ministry or commission according to the principle of "fragmented drafting, departmental fulfillment," a major department (bureau) or division under the ministry or commission will be responsible for coordinating the drafting of relevant policies, and other departments (bureaus) will cooperate. In order to coordinate the document drafting work within a department, some decision-making departments have also set up special working groups. After each agenda is assigned to a department (bureau), the functional division or office under the department (bureau) will be responsible for drafting preliminary opinions. If a policy agenda covers a wide range of areas, other relevant divisions and offices under the department (bureau) and even other relevant departments (bureaus) under the ministry will be invited to participate and cooperate to jointly form a preliminary draft. Obviously, this is a process of "assigning" downwards level by level.

In the initial opinion brewing stage, the decision-making department will generally adopt a "sea chat" approach to generate brainstorming through open-ended discussion and finally forms a preliminary draft. However, sometimes this process is reversed. That is, the main department or office in charge first comes up with talking points, and other policy makers participate in discussions and propose advice for amendment and then form a preliminary draft.

After the decision-makers of the departments (bureaus) complete document drafting within the scope of their respective responsibilities, they will immediately submit the schemes to the comprehensive department of the ministry or commission, and the latter will be responsible for integrating the opinions of the various departments under the ministry and form the opinions of the ministry. If there are different opinions among different departments (bureaus), divisions, or offices under the ministry or commission, this will be settled though consultations by the comprehensive department or coordinated through the working meetings chaired by the ministerial leaders, or centralized decision-making will be carried out to finally come up with consistent opinions.

2.2 Extensively Drawing upon Opinions

In decentralized policy drafting, there is another important step. That is, after the initial draft for comments has been formed, each department will usually organize to widely solicit comments. This is a key link in the formation of internal opinions within the decision-making departments under the ministry or commission.

As we all know, in the traditional system pioneered by the CPC, the opinion brewing within the central decision-making department was mainly based on a large amount of internal information, and information was mainly communicated and exchanged with a department or among different departments. However, in today's China, the flow and exchange of decision-making information and policy advocacy has evolved from within a department or among different departments to within and outside a broader system.

From the perspective of decision-making processes of the central departments today, apart from the "in-system" opinions of the parallel units within the system, the major decision-making departments also need to know the demands of the broader "out-system" stakeholders and gather and make reference to the opinions and suggestions of all aspects within and outside the system so as to adapt to the new changes. In the process of policy formulation, when other stakeholders, including the general public, policy research institutions, and interest groups, actively draw close to the policy trajectory through "bottom-up" and "outside-in" approaches and strive to influence the policies, the major decision-making departments also begin to actively open the "door to goodness" in all links of policy formulation and try to understand, draw upon, and balance opinions and suggestions in all aspects through various means so as to form more inclusive opinions as the basis for coordination and decision-making at the inter-ministerial level.

In fact, in today's China, it is not new for government decision-making departments to cooperate with various external organizations when formulating major policies. Encouraging the free airing of views has been initiated at departments, bureaus, and even divisions and offices under the ministries or commissions. The policy makers at the various decision-making departments do not monopolize the whole process of policy formulation as people imagined. On the contrary, in the internal opinion brewing and document drafting stage, the decision-making departments have begun to collect public opinion and constantly collaborate with various "outside brains," and even many important decision-making references need to be provided by external organizations.

Usually, the ministries and commissions under the State Council usually pay attention to drawing up opinions and suggestions in the following five aspects before formulating policies and making decisions:

First, the decision-making departments usually collect and analyze various public opinions in the initial stage of document drafting. In the past, the decision-makers of the central functional departments mainly gain access to public opinions by reading the letters from the public. Meanwhile, they also collected and analyzed the petition data received at all levels of the business system to get the petition information related

to the policy issues and have a better understanding of the needs of the people. In today's China, however, they pay great attention to collecting public opinions on the Internet that reflect relevant policy issues. Some government departments will also directly collect opinions through the government websites.

Second, on the basis of understanding the social conditions and public opinion, the policy makers of various decision-making departments will also extensively solicit opinions within the system, including the public institutions affiliated to the ministries and commissions (including the research institutions affiliated to the ministries and commissions) and the corresponding administrative departments of local governments at various levels. There are many means to open up the internal information channels within the system. Based on the key points and difficulties in policy formulation, the central decision-making departments will go directly to the localities in the form of a working group and local meeting to carry out various talks and research work under the assistance of the corresponding departments in different regions, thus bringing local and grassroots opinions to the ministries and commissions.

Third, in order to draft the schemes, the decision-makers of various departments will also positively invite the "outside brains" to listen to the opinions of various policy experts at home and abroad, including representatives of specialized research institutions and representatives of international organizations. In today's China, it is not new for the government decision-making departments to cooperate with various external organizations. The most common case is that the decision-making department entrusts a major research project to a policy research institution. In addition, more and more decision-making departments have specially set up expert groups in their departments to invite relevant experts to participate in decision-making. The decision-making ministries have also cooperated extensively with international organizations to get policy support from them by leveraging their comparative policy advantages.

Fourth, unlike the public lobbying of organized interest groups in Western countries, the Chinese business circles tend to convey their opinions and demands to the decision-makers through commerce or industry associations of various natures. The decision-making departments also tend to actively arrange talks with representatives of these organizations and seek their opinions on the policies and decisions at an appropriate time.

Fifth, in policy formulation and decision-making, the historical tradition pioneered by the CPC has left over rich resources, i.e., investigation and research. Comrade Mao Zedong, the late leader of the CPC, has ever proposed the principles of "seeking truth from facts," "maintaining independence and keeping the initiative," and "following the mass line," which had a very important impact on the decision-making model of the Chinese bureaucratic administration group. In practice, the decision-making departments often need beyond various kinds of "second-hand" information, and various external opinions sometimes may not suit China's reality and probably be mixed with the influence of special interests. In order to learn more about the actual situation and gain fresh local experience, the central policy-making departments will open the door from time to time and go to the local areas for field investigations in the process of policy brewing.

2.3 Parallel Consultation Between the Ministries and Commissions

It is highly unlikely that a single department is assigned by the central government to be responsible for formulating a policy or making a major decision. The reality is that an agenda may cover a wide range of areas and the issue of policy and function cross-lapping will be inevitable. Therefore, in the policy formulation process, although each decision-making department, within the scope of policies under its charge, may draft schemes and opinions efficiently, it must consult and discuss related issues with other departments as soon as possible. If there is insufficient communication among different departments, policy formulation will encounter obstacles.

American scholar Kenneth Lieberthal stated in his study on the Chinese government system that the resolution of important issues often requires the cooperation of officials in different institutions and different fields who are not entitled to govern each other in China's government system. Kenneth Lieberthal's view is indeed not groundless. This kind of system may have a tendency that the "disputes" between various institutions will be "moved up" to the central government for settlement. In order to alleviate the decision-making pressure of the central government, a common practice is that the issues should be mostly handled at the lowest level of consensus within the system and only the remaining dispute points should be moved up level by level.

In a country with a vast territory and great regional differences like China, policy formulation and decision-making must be as inclusive and holistic as possible. This means that sufficient information must be exchanged in all policy links. However, in the decision-making process, the decision-makers in the decision-making system of any "department" established based on business administration constitute only a part of the overall decision-making structure, so it is impossible for them to grasp all the information and analyze all the information. As the policy makers of each department generally only have the experience limited to their own sector, they will inevitably have their respective perspectives, their respective preferences, and their respective priorities. To overcome the limitations inherent in such departmental decision-making and fulfill the decision-making objectives proposed by the central government, various departments must communicate with each other in the process of policy drafting. This kind of communication and consultation between various functional ministries and commissions is called "parallel consultation."

In the process of policy formulation and decision-making, divisions and departments under the ministries and ministries usually communicate with one another based on the principle of "parallel consultation, submitting level by level." Specifically, the decision-makers in charge of drafting a document will carry out preliminary communication, the contents on which they have reached a consensus will be included in the draft. If there are divergent viewpoints during communication at the division level, then the text will be submitted to the department (bureau) at a higher level for communication and coordination. In this way, more consensuses on the

text will be reached gradually, and the remaining controversial points will be finally communicated by the leaders at the ministerial level.

Parallel consultation may produce two types of outcomes: consensuses will be reached on a part through consultation; no censuses will be reached on the other divergent part. In the political system where many "veto points" are established intentionally, if the latter situation occurs, this means that one or some "players" who have veto power can stop decision-making, leading to the premature end of a policy process. In China's political system, the solution to the latter problem is to move up step by step. The central government must find a solution to the possible difficulties in coordination and fruitless communication between the ministries (commissions). To overcome the inherent limitations of ministerial-level decision-making and ensure the effective fulfillment of responsibilities, the inter-ministerial coordination mechanisms at different levels have been established in the Chinese administrative system, which will be discussed in the following section.

3 Policy Coordination and Integration

Compared with Western countries, China's ministries (commissions) obviously have more independent and stable decision-making power, and their decision-making is more efficient and suitable for fulfilling the business administration responsibilities. However, governing a big country like China often involves a large number of policy issues concerning overlapped business areas and functions. The goals of public policy decision-making set by the central government tend to be higher than the scope of responsibilities of the "ministries." When this decision-making task does not match the "ministry-based" responsibility structure, or when no consensus can be reached through horizontal parallel communication and consultation between the ministries and commissions, this will result in difficulties in inter-ministerial coordination.

A more tough challenge is that in China's decision-making system, at both ends are the policy-making departments and the top decision-making bodies. The former carry out decision-making through decentralized cooperation and consultation based on their duties, while the latter carry out decision-making through a strong decision-making mechanism, which involves the executive meetings of the State Council, the meetings of the Politburo and the meetings of the Politburo Standing Committee, etc. In this system, policy integration and consensus building are promoted level by level to come up with the final decisions. But how do these two parts link together? Who will deploy and implement a policy after it is made? This makes it necessary to mention the comprehensive coordination mechanisms including various types of leading groups.

In fact, in any country, when making a major public policy, the policy makers need to gain the support and recognition of all aspects in the political system, so policy coordination is critical for effective decision-making. However, the scopes, methods, and effects of policy coordination vary greatly in different political systems. In some Western countries, policy coordination is often achieved by means of reducing the

number of departments involved, i.e., the so-called "super ministry system" reform. This method can sometimes achieve better policy coordination at the administrative cabinet level, but in the system of separation of powers, a major policy often involves coordination between the legislatures and even the judiciaries. For example, in the United States, after the president and the Cabinet sometimes reach a consensus on a policy, they still have to face opposition from other aspects at any time, including the federal legislature (the Congress), the Supreme Court, and the federal states. In addition, various "super committees" within the Congress and the interim committees led by the opposition parties are all important players in the decision-making process. They are all "veto players" with absolute veto power. This makes the policy-making process a road full of thorns and full of uncertainties.

In China, the number of central government departments under the executive-led system is much greater than that in the countries that practice the system of separation of powers. Making a major decision involves a large number of departments and a wide range of areas, so it is impossible to resolve differences merely through the merger of departments. Even if departments are merged forcibly, differences and conflicts might be internalized and seem unlikely to disappear. Under such circumstance, in China's Party and government decision-making system, inter-ministerial coordination mechanisms at different levels will be established at different stages to solve the problems with inter-departmental coordination. If you observe the practice of major decision-making at the central level, you will find that there is always a higher ranking responsible party to take on policy coordination and integration in those areas where policies are smoothly coordinated and effectively made. In China's Party and government decision-making system, there are various comprehensive mechanisms for coordination and integration between different decision-making bodies, among different systems, between the top decision-making bodies and the lower ranking government officials, mainly including various "leading groups" of the CPC Central Committee and various "coordination groups" or "leading groups" of the State Council.

3.1 Consultation Mechanisms of the CPC Central Committee

It is a long-term tradition in China's political system to establish "leading groups" to carry out organizational management and implement policies. Although there is a clear division of duties in the Party and government system, the central Party and government had established various types of "leading groups" in a very early stage and implemented fragmented management and coordinated decision-making between the top decision-makers of the Party and the government based on the broad scopes of functions, thus transcending the definition between the Party and the government in the system.

Before the reform and opening-up, China's Party and government system was divided into the four major areas of Party affairs, government work, national security,

and diplomacy to govern the four "major systems." Since the reform and opening-up, in order to meet the needs of coordinated administration of the economy and the society, the CPC Central Committee has set up a series of "leading groups" for coordination in a relatively narrower scope, such as the Central Leading Group for Financial and Economic Affairs, the Foreign Affairs Leading Group of the CPC Central Committee, and the Central Leading Group for Agriculture, all of which are periodical, unconventional leadership mechanisms. These leading groups are usually led by a member of the Politburo Standing Committee and several Politburo members. Almost every leading group governs several Party and government organizations. These leading groups rank below the abovementioned "major systems," but outrank the "small systems" represented by the functional business departments of the Party and the government, so they are the middle bridges of communication between the top leaders and business management organizations.

3.2 Consultation Mechanisms of the State Council

Similar to the form of leading groups of the CPC Central Committee, many working groups have also been established within the State Council. As early as in the 1970s, the State Council established a leading group on environmental protection to strengthen policy coordination and decision-making. After the reform and opening-up, according to the tasks of government work at different stages, the State Council had established the Leading Group for Poverty Alleviation and Development, the Leading Group for Western Region Development, the Leading Group on Climate Change, Energy Conservation and Emission Reduction, the Leading Group for Financial Work, the Leading Group for Information Work, the Leading Group for Promoting the Development of Small and Medium-sized Enterprises, and the Leading Group for Railway System Reform which was established in 2012. According to incomplete statistics, there are dozens of such leading groups of the State Council. These leading groups are decision-making arrangements of the State Council and rank below the leading groups of the CPC Central Committee such as the Central Leading Group for Financial and Economic Affairs and the Central Leading Group for Agriculture. They mainly govern various functional ministries and commissions under the State Council, but are consistent with the leading groups of the CPC Central Committees in the original intention of establishment and problem-solving ways, etc. Each leading group of the State Council has a temporary office under the main constituent ministry. For example, the State Council's Leading Group for Deepening the Reform of the Medical and Health Care System has the Office of the Leading Group for Medical and Health Care System Reform (referred to briefly as "the Health Care Reform Office of the State Council"), which is located in the National Development and Reform Commission.

In addition, apart from various types of leading groups, the State Council has also established various types of temporary coordination mechanisms for policies in some

fields, usually called "coordination groups." Article 6 of the *Regulations on Administration of the Establishment and Staffing of the Administrative Agencies of the State Council* stipulates: "The administrative agencies of the State Council are, according to their functions, divided into the General Office, departments constituting the State Council, organizations directly under the State Council, administrative offices under the State Council, state agencies administrated by the departments constituting the State Council, and deliberation and coordination agencies of the State Council." The deliberation and coordination agencies of the State Council undertake the organization and coordination of the important work across administrative agencies of the State Council. The affairs deliberated and decided upon by the deliberation and coordination agencies of the State Council shall, upon the consent of the State Council, be handled by the relevant agencies according to their respective duties. Under special or urgent circumstances, the deliberation and coordination agencies of the State Council shall, upon the consent of the State Council, stipulate interim administrative measures."

The "coordination groups" and "leading groups" of the State Council are different. The coordination groups are deliberation and coordination mechanisms, while the leading groups are temporary administrative offices, which will be revoked after the tasks are completed. In addition, the coordination groups are mainly composed of the personnel from the "small systems," while the leaders of the leading groups are the top decision-makers. The goal of the leading groups is not entirely to achieve policy coordination, but to play more emphasis on the fulfillment of the overall decision-making responsibilities.

On the whole, the root cause for the establishment of the inter-ministerial coordination mechanisms in China's Party and government decision-making system is to strengthen the coordination of policies and promote the fulfillment of responsibilities through the decision-making and leadership mechanisms at a higher level. By combining decentralized decision-making with centralized coordinated decision-making, the role of various inter-ministerial coordination mechanisms and the top decision-making bodies will be fully exerted on the basis of the decision-making at the ministry/commission level, so as to greatly speed up the process of effective decision-making.

4 Final Approval by the Top Decision-Makers

Under China's system, making a major economic or social policy requires more than just decentralized decision-making by the functional departments and coordination by the inter-ministerial coordination mechanisms. When a major decision or policy is made, although the vast majority of decision-making steps are accomplished at a lower level in the central system, the consensuses at major decision-making steps are all accomplished under the guidance of the highest decision-making mechanism. Usually, for a policy proposal that has been brewed for a long time, after the difficult points, opinions, and suggestions in all aspects related to decision-making are

fully understood and coordinated via various types of comprehensive coordination mechanisms, it will ultimately be submitted to the top decision-making group for approval and finally form a policy. Without the guidance from the highest decision-making mechanism on the decision-making steps and goals, the bottom-up consensus building may not proceed so smoothly. The top decision-makers will even give the approval personally in many key decision-making steps and make major decisions. The top decision-making system in China is characterized by "decision-making by the central collective decision-makers and final approval by the leadership core."

The decisions made by the central decision-makers are mainly divided into two types: daily decisions that are large in number and formed in a small scope, and collective decisions made through formal meetings and legal procedures. All important issues that are considered necessary to be decided must be collectively decided through meetings and legal procedures. Major decisions are mainly made collectively through meetings and legal procedures.

The CPC Central Committee, the State Council, the National People's Congress, and its Standing Committee all have a fixed conference system. Decisions on matters involving the Party's lines, principles and policies, and Party affairs' work are made at the meetings of the Politburo Standing Committee, meetings of the Politburo, central working meetings, plenary meetings of the CPC Central Committee, and CPC national congresses according to their importance. The legislation and major administration affairs of the state are undertaken by the National People's Congress and its Standing Committee in accordance with the law. As the executive body of the National People's Congress, the State Council is responsible for the daily work and for making decisions on administrative affairs within the scope of the respective functions and powers of the government. Policies at the State Council level are discussed and formulated, respectively, at the executive meetings and plenary meetings of the State Council.

Among the above decision-making collectives, the Politburo Standing Committee is the highest level decision-making collective in China. In China, whether a major reform decision or policy is supported by the Politburo Standing Committee as the highest decision-making collective and whether they can reach a consensus on reform and form clear policy objectives play a crucial role as to whether the policy or decision can be enacted. Comrade Deng Xiaoping has ever made an important statement about China's leadership mechanism. He said: "The crucial thing for China is for the Communist Party to have a good Political Bureau, particularly a good Standing Committee of the Political Bureau. So long as no problems arise in those two bodies, China will be as stable as Mount Tai." Since the reform and opening-up, behind any major national policy, there has been the influence of the highest decision-making collective of the central government. In particular, if the highest decision-makers fail to form a unified consensus, it is basically impossible to initiate a comprehensive and systematic reform. Different ideas on development within the leadership and degree of urgency of reform agenda may affect consensus building among the highest decision-makers and will also determine which areas will be supported and promoted by the highest decision-makers.

The Politburo Standing Committee adopts the system of collective leadership and implements democratic centralism in decision-making. On February 29, 1980, after a year of public discussions, the 5th Plenary Session of the 11th CPC Central Committee officially adopted the *Code of Conduct for Intraparty Political Life*. It is the Party regulations that embody the experience and lessons, both positive and negative, of the political life in the Party for decades. It clearly states: "Collective leadership is one of the highest principles of Party leadership. Party committees, from the Central Committee on down, must according to this principle implement the system of integrating collective leadership and individual responsibility based on division of work."[3] Based the spirit of this statement, the Politburo and its Standing Committee must also implement the system of integrating collective leadership and individual responsibility based on division of work.

Since then, the collective leadership has been institutionalized step by step. The members of the CPC Standing Committee represent different institutions and are responsible for different tasks, and meanwhile they coordinate and jointly carry out decision-making at the central level. Taking the 9 members of the Politburo Standing Committee of the 16th and 17th CPC Central Committees (the Politburo Standing Committee of the 18th CPC Central Committee has 7 members), for example, they represent the "four major institutions," namely, the Party, the government (the State Council), the National People's Congress, and the National Committee of the CPPCC, and are fully responsible for the work of the system, but when it comes to making decisions on major issues involving economic crisis, serious public safety, and natural disasters, they share information, exchange their ideas, and coordinate different opinions.

Meanwhile, the Politburo Standing Committee system is a system for making major policies. This system includes at least the following five elements: (1) the Party's leadership teams at all levels (including the Politburo) should formulate, improve, and strictly implement the procedural rules and decision-making procedures; (2) all matters that must be decided within the scope of responsibility of plenary sessions of Party committees or their standing committees must be decided through collective discussions, and no individual or minority of people has the right to make decisions on these matters; (3) the relationship between secretary and members in a Party committee is not a hierarchical one, and the secretary is a member equal to all members of the Party committee; (4) when discussing issues, all members in a Party committee should be allowed to speak freely and fully express their opinions, and the person who presides over the meeting should be the last one to make the statement; (5) If a vote is required, one person should only have one vote, and decisions should be adopted by a simple majority of all the people present.

Although voting is an integral part of the top collective leadership system in China, there are five very important preconditions. (1) Opinions should be widely solicited before making decisions on a major matter, especially the opinions of those who participate in decision-making and the opinions of the relevant decision-makers at

[3] *Code of Conduct for Intraparty Political Life*, Xinhuanet (http://news.xinhuanet.com/ziliao/2005-02/04/content_2548139.htm).

the lower levels in a bid to reach consensuses through consultation and coordination. If no consensus can be reached, the issues involved will generally not be submitted to the meetings for discussions. (2) Before making decisions on a major matter, the members should carry out discussions thoroughly, and the issues that have not been thoroughly discussed should not be submitted to the meetings for discussion and decision-making. (3) After discussions, the person who presides over the meeting will collect the opinions and make decisions, and only those that need to be voted on will be submitted to the meetings for voting. (4) In case of disagreement on a major issue where the numbers in support of each view are closely matched during voting, the decision should be delayed and further investigation, research, and exchange of opinions should be undertaken before being submitted to the next standing committee meeting for voting. These four premises fully reflect the spirit of running-in. (5) In the event of an emergency or a major matter of overriding importance, and the numbers in support of each view are closely matched, and the highest decision-makers of the Party are unable to make a unified decision on a major issue, based on the principle of democratic centralism, a person with overall responsibility authorized within the Party will make the final decision and becomes the Party's will. Without doubt, the final decision-maker is also the person who takes the final responsibility of decision-making.

Compared with the decision-makers at all levels mentioned above, the top decision-makers are at the "top level" of the decision-making system. They have a global vision, grasp overall information, and have advantages in distinguishing between key and non-key aspects of decision-making. In addition, compared with each level below, the top level has a higher status and greater power. When faced with difficulties in decision-making, they are the only persons who can make authoritative trade-offs.

It is worth mentioning that China has undergone tremendous social changes after the reform and opening-up, and the quality and quantity of information obtained by the top leaders has been greatly increased compared with the past. Apart from democratic centralism within the system, conferences, internal documents, and internal think tanks, the top decision-makers will also widely listen to opinions and suggestions through surveys, inspections, and other means. Even the voices of various policy research groups and international organizations have begun to come into the ears of the top decision-makers, thus greatly changing the foundation on which the decision-makers rely for decision-making. Decision-makers not only have a more comprehensive and deep understanding of the issues to be decided on, but also can clearly identify the goals that should be achieved in decision-making, so that they can get directly involved in the decision-making process and grasp the general direction of decision-making.

In 2016, the 6th Plenary Session of the 18th CPC Central Committee discussed and adopted the newly revised *Code of Conduct for Intraparty Political Life under New Circumstances*. The new code of conduct combines the new situation and new tasks, and attaches great importance to better safeguarding the central authority. The question is: "In upholding the Party's leadership, we must first and foremost uphold the centralized leadership of the CPC Central Committee." "The core leadership is of

vital importance to a country and a political party." At this plenary session, Comrade Xi Jinping was formally affirmed as the new core of the collective leadership of the CPC Central Committee. This is a significant decision made by the CPC in the new historical stage and in the final critical period of realizing the great rejuvenation of the Chinese nation.

5 Comparison with the Western Decision-Making Systems

Nowadays, the Western countries adopt constitutional democracy or liberal democracy in macro design of state systems. However, in terms of specific Western decision-making systems, each has its own advantages. Among them, presidential system, bicameral system, and separation of powers are popular. Compared with these decision-making systems, what are the characteristics of China's decision-making system? According to the previous analysis, we believe that China's decision-making system is different from the popular decision-making systems in the Western countries and has its unique characteristics. This can be showed from the following three aspects.

5.1 Compared with the Characteristics of Checks and Balances Common in the Western Decision-Making Systems, China's Decision-Making System Emphasizes the Importance of Consensus

Under the current Western systems, the mechanisms for making policy decisions on state affairs are mostly a "check and balance" type of system. That is, the decision-making power is not only divided into several parts, but also held by different institutions that have the power to veto each other, thus forming a situation of inter-check and ensuring that no one or any department has absolute control over decisions. The advantage of checks and balances is to prevent dictatorship, but its disadvantage is that it is likely to lead to a policy impasse: due to excessive veto points and excessive veto players, the whole decision-making process is fragmented, making it easy for special interest groups to break through each point and hijack the entire decision-making process. For example, the political system of the United States is too "fragmented," so special interest groups are given an opportunity to hinder the government from approving the reform policies expected by most people. In this context, the Chinese government's effective decision-making experience is particularly valuable.

The traditional Chinese political culture and ideology emphasize the importance of consensus and consultation. In the political life of ancient China, there was a tradition of consultation. Taking the ancient central governments, for example, the emperors of the past dynasties, although being regarded the son of God, understood the limitations

of "the power of one brain" and established very early the systems of "audience" and "collective discussion" which specified different scopes of participants. In fact, in this way officials from all aspects of the imperial courts could gather together to discuss state affairs and draw on collective wisdom and absorb all useful ideas for decision-making. In addition, the ancient imperial courts had also established various forms of "admonition" system to enable criticisms from all aspects to come into the ears of policy makers. Although many systems in ancient China had many imperfections or were a mere formality, with limited participants, the spirit embodied in these systems was consistent. That is, decision-making must be based on consultations and consensuses in all aspects.

After the founding of the People's Republic of China, the establishment of the CPPCC and the NPC reflects that the new regime attached importance to consensus politics. Unlike the representative institutions in the Western constitutional/liberal democracies through parliamentary groups or "functional groups," the CPPCC and the NPC reflect the broad representativeness from all sides. From the perspective of decision-making by the CPPCC and the NPC, it also reflects the nature of consultation- and consensus-based decision-making through " panel discussion."

In many contemporary Western countries that adopt the system of "separation of powers" or parliamentary democracy, when making a major socioeconomic policy, the institutions with mutual veto power will get involved and exercise their so-called power through the veto. For example, in the United States, the adoption of a major policy involves not only the relevant departments of the cabinet (the presidential cabinet or the parliamentary cabinet), but also the federal legislature (the Congress), the supreme court, and the federal states. There are also "super committees" and interim committees led by the opposition parties within the Congress, all of which are important players in the decision-making process. They are all "veto players" with absolute veto power. This makes the policy-making process full of thorns and uncertainty. Many countries have paid very high political costs for such similar policy coordination mechanisms in making major policies involving the national economy and the people's livelihood.

In contrast, in China's decision-making system, the decisions made by horizontal departments can be integrated into the State Council as the single decision-making body, and the State Council as the single decision-making body in the vertical direction also rarely faces the circumstance of being "vetoed." Although the State Council may be held accountable by the National People's Congress and its Standing Committee and the CPC Central Committee, the relationship between and the State Council and the latter three is fundamentally different from the relationship between the executive bodies represented by the President and the Congressional legislature in the US political system. The relationship between the State Council, the National People's Congress and its Standing Committee, and the CPC Central Committee in China's system are not a parallel "veto" or "check and balance" relationship. On the contrary, the decision-making of the State Council is authorized by the National People's Congress and the CPC Central Committee. "The ministries and commissions—the State Council—the National People's Congress—the CPC Central Committee" is a vertical single-structured decision-making system. The

distinction between them lies in that they are responsible for different decision-making steps in making major policies or decisions, but the high degree of political consensus and authorization relationship unite different decision-makers into a "decision-making community" with an aim to realize the reform goals and solve development problems through efforts at all levels.

5.2 Unlike the Decision-Making Rules Used in the Western Countries, Such as Robert's Rules of Order and the Majority Rules, the Decision-Making Characteristics of the Party and Government in China Place More Emphasis on "Combination of Integration and Separation" and "Multi-round Interaction"

In today's Western countries that adopt the system of "separation of powers," when the parliament makes a law and the government makes a policy, they often follow the famous "Robert's Rules of Order," which largely represents the Western "pluralistic" characteristics of decision-making. It mainly adheres to the following two principles.

First, the principle of debate and competition. All policy options and possible solutions are subject to policy discussions, and the process of policy formation is the process in which different options and solutions compete with each other. All decisions must be made after full and free debates, and everyone has the right to persuade others to accept his will through debates until a certain will becomes the will of all.

Second, the majority principle. In the process of debate and competition over policy options, results are generated in the form of the majority rules, and policies or opinions that win the support of the majority will outplay the others, and the minority will give up their policy options and opinions almost unconditionally.

The above two principles, on the surface, provide an opportunity and procedure for various policy preferences and opinions to argue with each other to win the support of the majority, but since the goal of decision-making is not based on universally sufficient consent, the solutions are not formed through collective collaboration and discussions, not to mention consideration and integration of opinions and demands of the minority, so only the policy solutions that get the majority votes will finally win (it can also be understood this way: those with the absolute power of veto will win), with most of the proposals and solutions procedurally "shielded." In other words, such decision-making is a mechanism that is good at "selecting" policies with the majority rules, but lacks broad opinions and "preference aggregation," so essentially it is a "non-collaborative" decision-making mechanism.

In the countries that have adopted the system of separation of executive and legislative powers and/or the federal system (that is, the countries that have adopted the political system with a particularly large number of "veto points"), although the government has set good governance goals, coordination and integration around

policies is a great challenge for the government. In 2011, a British think tank with close ties to the government issued a research report. The report states that any policy is a product of combination of "integration" and "separation" and a result of multi-subject, multi-level, multi-stage, and multi-round interaction in the real world. For state-level decision-making, the most crucial issue is not whether it is possible to achieve "separation" or "integration," but whether different decision-making bodies can work together to achieve the goals of policy formulation and effective decision-making while the decision-making power is delegated to the lower levels.

In today's China, the "gate" of government decision-making is opening increasingly wider, and various opinions are flooding in, but challenges are also coming: how to integrate different opinions and preferences while absorbing reasonable opinions and demands scientifically and democratically? the most important thing is to terminate unnecessary disputes in a timely manner and make effective decisions at the right time. This is the most serious challenge in the decision-making mechanism. As shown in the previous analysis, before the Party and the government in China make a major decision, different decision-making bodies will engage in "multiple rounds of interaction" in different ways until the final solution is reached, and this solution is exactly the result of the "combination of integration and separation" and "collective decision-making." In the collective decision-making process involving multiple subjects, levels, stages, and rounds of interaction, how to conduct consultations, integrate opinions, and call the shots is the core operation mechanism of China's current decision-making system. The previous analysis has actually summarized the three ways of "integration": first, policy consultation between the decision-making ministries and commissions, which is essentially "lower level consultation"; second, various types of horizontal inter-ministerial coordination and coordination between the leadership mechanisms, which is "middle-level coordination"; third, collective decision-making and final decision-making by the leadership, i.e., "top-level agreement."

In the "multiple rounds of interaction" from "separation" to "integration," the coordination steps commonly existing in the Chinese system are very crucial. Although the central government has spared no effort in this aspect, there is basically no "veto point" in the Chinese system and no decision-making participant can play the role of a "veto player" to interfere with decision-making. Undoubtedly, there are intersection points in the trans-ministerial decision-making process in China, but they are not "veto points" but "access points," "input points," and "deliberation points." At these intersection points, what the ministries, commissions, or inter-ministerial coordinating bodies emphasize is not to reject the opinions that they do not fully agree with, but try to find ways to resolve the differences on the basis of affirming the consensuses that have been reached. The role of the top decision-making collective is final "integration." No individual among the top leaders can call the shots, but instead they must make decisions collectively through mutual agreement (i.e., joint deliberation). Without doubt, the "integration" ability of China's top decision-makers depends on the distinctive decision-making mechanism. At the central level, there are not only legal procedures such as Party and government meetings at different

levels as the collective decision-making system, but also leadership mechanisms at various stages to concentratedly promote the implementation of policies. The former is largely the historical institutional legacy of the CPC, while the latter is the result of constant experience exploration and summarization by the top decision-makers in China during the reform process. This is a mechanism that incorporates statutory and temporary institutions, decision-making arrangement, and policy implementation. Through such a flexible decision-making mechanism, we can not only fully arouse the enthusiasm of departments in decision-making and consultations, but also ensure that decisions are made timely on the basis of absorbing different opinions from all parties and avoid delays in decision-making.

5.3 Unlike the Policy-Making Process in Which Major Interest Groups Participate and Dominate Under the Principle of "Pluralism" in the West, China's Policy Participation Approach Emphasizes the Dominance of Decision-Makers. Through Following the "Mass Line" and In-Depth Investigation and Research on Issues, China Makes Decisions in a "Down to Earth" Manner

For a long time, China's decision-making system has formed a fine tradition of "going out" and carrying out investigation and research to grasp the national conditions. That is, when formulating major public policies, we must go deep into the grassroots and the forefront to carry out various forms of investigation and research, give heed to public opinions, resolve conflicts, and make decisions based on facts. This is what Comrade Mao Zedong described as "You must look down, don't just look up into the sky. If you don't have interest and determination to look down, you will never understand affairs of China for a lifetime." Other older generation leaders also attached great importance to the opinions of the masses in decision-making. For example, Comrade Chen Yun once said: "Only by collecting the opinions of the masses can we make good decisions, otherwise this is impossible." To this end, he advocated learning from the masses. He said: "If Communists want to lead the masses, they must first learn from the masses. 'Three cobblers with their wits combined would equal Zhu Geliang.' Without the masses, there will be no Zhu Geliang in the world."

Since the reform and opening-up, many officials within the Party and government decision-making system seem to have forgotten the mass line as a fine tradition. In view of such danger, after entering the twenty-first century, the central government once again institutionalized investigations and surveys. In September 2001, the *Decisions on Strengthening and Improving the Party's Style* of *Work* adopted at the 6th Plenary Session of the 15th CPC Central Committee states that: "Party and government leading organs at all levels shall establish and improve the system of investigation and research, and formulate and implement the plans for investigation and research. The leading officials at provincial and ministerial level shall spend at

least one month each year and Party and government leading official at county or city (prefecture) level shall spend more than two months each year in carrying out in-depth inspections at grassroots, review the experience, explore the laws, guide the work, and solve the problems."[4] Since then, a series of documents of the Party and the government have set the requirements for investigation and research.

In 2010, the *Opinions on Promoting the Building of Study-oriented Party Organizations* issued by the General Office of the CPC Central Committee also stipulated that: "To establish and improve the investigation and research system, leading officials at provincial and ministerial level shall go to the grassroots for investigation and research for at least 30 days each year, leading officials at city and county levels shall spend no less than 60 days each year in grassroots areas, and leading officials shall write one to two investigation and research reports each year."[5] At present, the National People's Congress, the National Committee of the CPPCC, the Supreme Court, the ministries and commissions under the State Council, and the local governments at all levels have successively promulgated their own regulations on "strengthening and improving the investigation and research work" in a bid to institutionalize and standardize the investigation and research work.[6]

Apart from meetings, project entrustments and field surveys through which the government decision-making departments give heed to opinions and suggestions from all walks of life, including the general public, and propose the departmental solutions, there are also various forms of inter-ministerial seminars and investigations through which opinions can be collected. After receiving the opinions and suggestions, the top decision-makers of the CPC Central Committee and the State Council will also conduct investigations and researches, listen to opinions from all sides, grasp information from all aspects, and make repeated arguments and amendments to the solutions formed by the decision-making departments so that the decision-makers at all levels can reach consensuses. Finally, the meetings of leading groups, the executive meetings of the State Council, and even the meetings of the Political Bureau will be held to make overall coordination and decisions collectively. It is worth mentioning that China's top decision-makers are not elected through any parliamentary group, so they do not represent any faction or group. When making decisions on a major issue, they usually will not be affected or hindered by any major interest group and can make decisions detachedly. In such case, it is very important for them

[4] "Decision of the CPC Central Committee on Strengthening and Improving the Party's Work Style," adopted by the 6th Plenary Session of the 15th CPC Central Committee on September 26, 2001, people.com.cn (http://xf.people.com.cn/GB/42468/3202837.html).

[5] "Notice of the General Office of the CPC Central Committee on Printing and Issuing the Opinions on Promoting the Building of Study-oriented Party Organizations," the website of the Central People's Government of the People's Republic of China (http://www.gov.cn/jrzg/2010-02/08/content_1531011.htm), February 8, 2010.

[6] You can find these regulations by entering "enhancing and improving investigation and research work" on the Internet.

to get correct information rather than the so-called "political support." Therefore, all the successive leaders of the CPC have attached great importance to information and investigation and research work, and to address the issues to be decided, they have made scientific decisions in a down to earth manner based on the results of investigation and research.

Chapter 3
China's System of People's Congresses

Guoqiang Li and Junhua Zhao

The system of people's congresses is China's fundamental political system. Under the leadership of the CPC, the people of all ethnic groups in China regularly elect deputies to the people's congresses at all levels who constitute the National People's Congress and local people's congresses as the organs through which the people exercise state power. The people's congresses at all levels, in accordance with the principle of democratic centralism, organize other state organs and supervise the work of other state organs according to law, exercise state power in accordance with legal procedures, and determine major issues in the political life of the country so as to achieve management of the state and society. The system of people's congresses was created and developed by the Chinese people under the leadership of the CPC through the long-term practice of revolutionary struggle. It is the product of the combination of the basic principles of Marxism-Leninism and the concrete practice of the Chinese revolution.

The system of people's congresses is a fundamental political system arrangement that upholds the unity of the leadership of the Party, the position of the people as masters of the country and law-based governance. It is a fundamental political system of contemporary China that reflects the fundamental principle that: "all powers of the People's Republic of China belong to the people" as stipulated in the Chinese Constitution, the fundamental political principles of the Chinese socialist system, and the fundamental organizational principle of socialist state regime—democratic centralism. To develop socialist democratic politics and build socialist political civilization and a country ruled by law, we should consistently uphold and improve the system of people's congresses.

G. Li (✉) · J. Zhao
Beijing, China
e-mail: 2941585479@qq.com

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1 The Emergence and Development Course of the System of People's Congresses

The system of people's congresses emerged and developed along with the practice of the CPC in leading the people to engage in revolutionary struggles. From germination, formation to development, it experienced a complicated and tortuous process. With the establishment of the People's Republic of China as the boundary, the process of the emergence and development of the system of people's congresses can be divided into two major historical stages.

1.1 Germination And Fermentation of the System of People's Congresses Before the Founding of the People's Republic of China

1.1.1 The Attempt to Establish the Organs of Power of Workers, Peasants, and Soldiers Shortly After the Founding of the CPC by Imitating the "Soviet" Regime After the Russian Soviet Revolution

After the victory of the October Revolution in 1917, Russia established the first socialist country of proletarian dictatorship. In 1918, the *Constitution of Soviet Russia*, the first socialist constitution in human history, was born. Under the Constitution, the All-Russian Congress of Soviets was the supreme organ of state power, and its deputies were elected by municipal or provincial congresses of soviets. The municipal congresses of Soviets and the provincial congresses of Soviets were local organs of political power, and their deputies were elected by city and village congresses of Soviets. The city and village congresses of Soviets were grassroots organs of political power, and their deputies were directly elected by voters. The Constitution also stipulates that all workers who have reached the age of 18 should have the right to vote and stand for election, regardless of ethnic status, sex, religious belief, education, or length of residence. As a new type of political power system, the congresses of Soviets mainly guaranteed the position of the people as masters of the country in three ways. First, the Soviets were established as representative organs of the people, and deputies to the representative organs were elected by universal, equal, direct, and secret ballot. Second, the representative organs of the people should truly represent public opinions and control all power. That is, all power belonged to the Soviets. Third, the representative organs of the people should be subject to the supervision of the people, and when the people were dissatisfied, they might dismiss or replace the people's representatives at any time. Lenin affirmed the congress of Soviets as a new form of state power of proletarian dictatorship, and it was the inheritance and development of Marxist theory on state.

Inspired by the October Revolution in Russia, the first program of the Communist Party of China clearly proclaimed that: "our Party recognizes the Soviet administration system and will get workers, peasants and soldiers organized and take social revolution as the main purpose of our policy." The Party would implement the dictatorship of the proletariat, abolish ownership by capitalists, and establish a "state of laborers." Later, influenced by the organizational form of the Soviet regime, the CPC began to explore its own organizational form of political power. In urban areas, the CPC tried to establish the organs of power such as congress of workers or conference of citizens' representatives to lead the emerging revolutionary forces; in rural areas, the CPC regarded the peasant associations as the organs of power for peasants, and proposed that: "all power shall be vested in the peasant associations." Although these forms of political power under the dictatorship of laborers were relatively simple and were implemented in a relatively narrow scope, from the perspective of revolutionary historical practice, they were the product of the CPC's combination of Marxist theory on state with the basic national conditions of the semicolonial and semifeudal society of China and the new democratic revolution practice and marked the germination of the Chinese people's congress system.

1.1.2 The System of Soviets (Councils) of Workers, Peasants, and Soldiers in the Revolutionary Base Areas During the Agrarian Revolutionary War

After the failure of the Great Revolution, the CPC began to build the Red Soviet regime by drawing on the experience of the regime of the Soviet Union and emulating its model. At the beginning of September 1927, when leading the Autumn Harvest Uprising, comrade Mao Zedong proposed that we should promote the propaganda on the Soviet regime, establish the Soviets in the places where the insurrection forces had developed most tremendously, and give all power to the Soviets (councils) of workers, peasants, and soldiers. In early November, the Provisional Political Bureau of the CPC Central Committee held an enlarged meeting and confirmed that: "All power shall be vested in the Soviets of Workers, Peasants and Red Army men and in the entire toiling population. This is the general slogan of the armed insurrections." Under the guidance of this slogan, the organizational form of political power in the revolutionary bases began to transform from the peasant associations to the Soviets of workers, peasants and Red Army men, and Jinggangshan and other revolutionary bases in Hubei, Henan, and Anhui had successively established the Soviets of workers, peasants, and Red Army men as organs of political power.

On November 7, 1931, the First All-China Congress of the Soviets was held in Ruijin, Jiangxi Province. The meeting adopted the *Outline of Constitution of the Chinese Soviet Republic*, the *Provisional Organic Regulations of the Local Soviet Governments*, and set up the All-China Central Executive Committee of the Soviets and the provisional central government of the Chinese Soviet Republic—the Central People's Committee. According to the *Outline of Constitution of the Chinese Soviet Republic* and related regulations, "The Chinese Soviet Government is building up

a state of the democratic dictatorship of the workers and peasants. All power shall be vested in the Soviets of Workers, Peasants and Red Army men and in the entire toiling population." The organizational form of its state power has the following characteristics. First, a unitary system was adopted as the structure of state power, and the system of state power was composed of central and local organs of state power. Second, the legislative and executive organs of the Soviets were combined, and the legislative and executive powers were united. Third, the central organs of state power were divided into organs of power and executive organs. The All-China Congress of Soviets of Workers', Peasants', and Red Army Deputies was the supreme organ of power, and in the interval between Congresses, the supreme organ of power should be the provisional All-China Central Executive Committee of the Soviets. Under the Central Executive Committee, the People's Committee and the Supreme Court were executive organs, exercising executive and judicial powers, respectively. Fourth, there were four levels of local soviets—provincial, county, district, and township (city). In the interval between congresses of Soviets of Workers', Peasants', and Red Army Deputies at provincial, county, and district levels, the executive committee should exercise their functions and powers. There was no executive committee at township and city levels, and the presidium should preside over the regular work. Fifth, deputies to the soviets at township and city levels were directly elected by the voters, and deputies to the Soviets above the district level were elected by the congresses of Soviets at the next lower level, and the number of deputies at all levels were allocated according to the proportion of the population. The Soviets of workers', peasants', and Red Army deputies were the organs of power emerging for the first time in the form of a state in the history of China that ensured the working people were masters of their own affairs. The system of Soviets of workers', peasants', and Red Army deputies has already possessed the basic characteristics of the system of people's congresses and is the embryonic form of the system of people's congresses.

1.1.3 In the Base Areas During the Anti-Japanese War, a System of Assembly of Representatives with a Distinctive United Front Nature Was Implemented

During the Anti-Japanese War, in order to rally all anti-Japanese parties and classes in the country and defeat the Japanese aggressors, in September 1937, the CPC Central Committee announced the official cancelation of the title of the Chinese Soviet Republic, and renamed the Northwest Office of the Provisional Central Government of the Chinese Soviet Republic as the special region government of the Republic of China, i.e., the government of the Shensi-Kansu-Ningsia Border Region; the regime of the democratic dictatorship of the proletariat and peasantry in the border areas was changed into the regime of the anti-Japanese national united front. In line with this, the organizational form of political power in the border areas was created by making reference to the organizational form of local regime of Kuomintang, and the system of assembly of representatives was adopted.

The assembly of representatives adopted by the government of the border region was the regime of the anti-Japanese national united front developed on the basis of the system of Soviets of workers, peasants, and soldiers to meet the needs of the anti-Japanese national united front. It established the principles of broad and true democratic participation of the people and the leadership of the Communist Party, providing valuable experience for the theoretical construction of the system of people's congresses. In 1940, Mao Zedong proposed in *On New Democracy* that: "China may now adopt a system of people's congresses, from the national people's congress down to the provincial, county, district and township people's congresses, with all levels electing their respective governmental bodies. But if there is to be a proper representation for each revolutionary class according to its status in the state, a proper expression of the people's will, a proper direction for revolutionary struggles and a proper manifestation of the spirit of New Democracy, then a system of really universal and equal suffrage, irrespective of sex, creed, property or education, must be introduced."

1.1.4 Formation of the Ideas and System of People's Congresses Before the Founding of the People's Republic of China

The period from the end of the Anti-Japanese War to the founding of the People's Republic of China was a crucial period during which the Chinese people's congresses became mature and tended to shape its ideas and systems. In April 1945, Comrade Mao Zedong stated in the report entitled *On the Coalition Government* to the 7th CPC National Congress: "The organizational principle of the new-democratic state should be democratic centralism, with the people's congresses determining the major policies and electing the governments at all levels. It is at once democratic and centralized, that is, centralized on the basis of democracy and democratic under centralized guidance. This is the only system that can give full expression to democracy with full powers vested in the people's congresses at all levels and, at the same time, guarantee centralized administration with the governments at each level exercising centralized management of all the affairs entrusted to them by the people's congresses at the corresponding level and safeguarding whatever is essential to the democratic life of the people." This is the first time that Mao Zedong as a Chinese Communist clearly proposed the concept and idea of people's congress. In practice, after the victory of the Anti-Japanese War, with the expansion of the liberated areas and the deepening of the Agrarian Revolution, the organizational form of political power in the liberated areas began to change from the assembly of representatives to the people's representative conference. In April 23, 1946, the 1st Session of the 3rd Assembly of Representatives of the Shensi-Kansu-Ningsia Border Region adopted the Constitutional Principles of the Shensi-Kansu-Ningsia Border Region and determined that the people's congresses at the border, county, and township levels were the organs for the people to administrate the political power. In August 1948, the two liberated areas of the Shanxi-Chaha'er-Hebei border area and the Shanxi-Hebei-Shandong- Henan border area in North China jointly organized the Provisional

People's Congress of North China. Since then, the system of people's representative conference has been affirmed as the organizational form of local political power at all levels.

The people's representative conference is the predecessor of the people's congress. The contents of this system mainly include the following: first, the subject of political power was no longer the national coalition when the system of assembly of representatives was practiced, but the democratic coalition—the people who opposed imperialism and feudalism; second, the local institutions of state power were composed of local organs of state power, local organs of state administration, and local organs of state justice; third, it followed the principle of democratic centralism, and the minority must defer to the majority when decisions were made on major issues; fourth, it upheld national equality and unity, all ethnic minorities should have the right to elect their own representatives and participate equally in administration of state affairs, and regional autonomy was practiced in areas inhabited by ethnic minorities. Compared with the system of peasant associations, the Soviets of workers, peasants and soldiers, and the system of assembly of representatives, the system of people's representative conference was most mature and perfect, and it was the "preview" of the system of people's congresses before its establishment.

On September 21, 1949, the 1st Plenary Session of the Chinese People's Political Consultative Conference was held in Beijing. The meeting adopted the *Common Program* with the nature of an interim constitution, in which Article 12 clearly states: "The state power of the People's Republic of China belongs to the people. The organs through which the people exercise state power are the people's congresses and the people's governments at different levels. The people's congresses at different levels shall be elected by universal suffrage. The people's congresses at different levels shall elect the people's governments of their respective levels. The people's governments at different levels shall be the organs for exercising state power at their respective levels when the people's congresses of their respective levels are not in session." This has legally affirmed the system of people's congresses as the fundamental political system of the new China. However, at that time, as conditions were not yet appropriate for immediate implementation of the system of people's congresses, Articles 13 and 14 of the *Common Program* also stipulate that pending the convocation of the All-China People's Congress elected by universal franchise, the Plenary Session of the Chinese People's Political Consultative Conference shall exercise the functions and powers of the All-China People's Congress, and pending the convocation of the local people's congresses elected by universal franchise, the local All-circles Representative Conferences shall gradually assume the functions and powers of the local people's congresses.

1.2 Establishment, Development, and Improvement of the System of People's Congresses After the Founding of the People's Republic of China

After the founding of the People's Republic of China, with the victory of the new-democratic revolution in the whole country, the transition period in which the political consultation conferences and the local All-circles Representative Conferences exercise the functions and powers of the people's congresses would be over, and the time for the establishment of people's congresses at all levels was gradually mature. Since 1953, on the basis of All-circles Representative Conferences, townships, counties, and provinces (cities) have convened local people's congresses elected by the people's universal franchise, and elected local state organs at various levels. During September 15–28, 1954, the 1st Session of the 1st National People's Congress was held in Beijing. The meeting adopted the first socialist constitution in the history of China. The Constitution clearly defined the state system and the system of government (or the political system): "All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and local people's congresses at different levels." Thus, the system of people's congresses had been systematically established from the central to the local level.

From September 1954 to the first half of 1957, the people's congresses at all levels actively exercised their functions and powers in accordance with the provisions of the Constitution and the organic law and played an important role in the country's construction and development. "In these three years, the National People's Congress and its Standing Committee had deliberated on and adopted more than 80 laws, decrees and decisions on relevant legal issues, reviewed and approved the 1st Five-Year Plan, annual economic plans and budgets and made decisions on major issues such as the plan for integrated management of the Yellow River."[1]

After 1957, a large-scale anti-Rightist campaign was launched throughout China, causing abnormal changes in the political, economic and cultural life in the entire country, and the democratic rule of law was seriously impaired. In such context, the people's congresses at all levels and their standing committees were unable to carry out work normally. For example, on December 1, 1961, the 46th meeting of the Standing Committee of the 2nd NPC adopted a resolution on postponing the convening of the 3rd session of the 2nd NPC. In addition, some of the functions and powers prescribed by the Constitution could not be exercised normally. For example, the annual plans and budget could not be submitted to the NPC for deliberation during this period due to the continuous changes. After 1962, as the "Leftist" mistakes were partially corrected, the legislative work of the NPC and its Standing Committee was recovered, but it had not reached the level before 1957.

[1] Wan Qigang, "The Formation and Development of the System of People's Congresses of China," *Contemporary China History Studies*, 2005.

After 1966, the system of people's congresses was seriously impaired. From 1975 to 1976, the system of people's congresses was restored. The 1st Session of the 4th NPC was held on January 13, 1975; the deputies attending the meeting were not elected, but recommended through "democratic consultation" by the revolutionary committees and military forces from various provinces, municipalities, and autonomous regions. Some deputies were designated or specially invited. Therefore, this meeting was hardly a people's congress in a real or strict sense. At this meeting, Premier Zhou Enlai delivered a government work report, reiterated the two-step vision for the development of China's national economy starting from the 3rd Five-year Plan proposed at the 1st Session of the 3rd NPC in early 1965. The second step was "to fully realize the modernization of agriculture, industry, national defense, and science and technology in the twentieth century so as to bring our national economy to the forefront of the world." To a certain extent, this had inspired the confidence of the people of all ethnic groups in building socialism. In addition, the revised *Constitution of the People's Republic of China*, i.e., the 1975 Constitution, was adopted at this meeting by voting. The guiding ideology of this constitution is Mao Zedong's theory on continuing revolution under the dictatorship of the proletariat and the basic line of the Party in the entire historical stage of socialism. Obviously, this constitution was produced under the guidance of wrong thoughts under certain historical conditions. However, the convening of this NPC to a certain extent marked the prelude to the restoration and improvement of the system of people's congresses in the new era.

In 1976, the Standing Committee of the NPC resumed its activities, and local people's congresses at various levels were held successively. The 4th Session of the Standing Committee of the 4th NPC was held on October 23, 1977, which decided to hold the 1st Session of the 5th NPC in the spring of 1978. On February 26, 1978, the 1st Session of the 5th NPC was held. Up till then, the people's congresses at all levels had resumed their activities and restarted their work. From June 18 to July 1, 1979, the 2nd Session of the 5th NPC was convened, and deliberated on and adopted 7 laws, namely the *Criminal Law*, the *Criminal Procedure Law*, the *Election Law*, the *Organic Law of Local People's Congresses and Local People's Governments*, and the *Organic Law of the People's Courts, the Organic Law of the People's Procuratorates* and the *Law on Sino-Foreign Equity Joint Ventures*. This shows that the legislative work in New China was restored after having been suspended for more than 20 years. Later, the revision of the 1975 Constitution started. After 2 years and 4 months of hard work, the new constitution was adopted at the 5th Session of the 5th NPC on December 4, 1982. The 1982 Constitution improved the system of people's congresses, such as expanding the power of the Standing Committee of the NPCs and improving the organic system of local people's congresses. Since then, the NPC amended the Constitution in 1988, 1993, 1999, and 2004, respectively, according to China's social, political, economic, and cultural development and changes to make it more adaptable to the needs of the changing situation.

Over the next 30 years and more, we have continuously developed and improved the system of people's congresses and made a series of new development achievements. For example, we have reformed and improved the electoral system, expanded the scope of direct election of deputies to people's congresses at the county level, implemented a universal multi-candidate election system, and gradually achieved the election of deputies to people's congresses according to the same proportion of population in urban and rural areas; we have improved the functions and powers of the NPC and its Standing Committee, and the National People's Congress and its Standing Committee are required to jointly exercise the legislative power of the state and jointly supervise the implementation of the Constitution; local people's congresses at and above the county level have established their standing committees, and the people's congresses at provincial level and their standing committees and the people's congresses of relatively large cities and their standing committees are granted the power to formulate local regulations; we have strengthened the organizational building of the people's congresses at various levels and their standing committees, improved the special committees and working mechanisms, and optimized the personnel structure; we have improved the system and mechanism for the people's congresses to perform their functions and powers according to law, and formulated a series of important laws that aim to regulate the organization, and functions and powers of the people's congresses, such as the *Organic Law of the National People's Congress*, the *Organic Law of the Local People's Congress and Local People' Governments*, the *Legislation Law*, the *supervision Law*, and the rules of procedure.

2 Significance and Advantages of the System of the People's Congresses

In China, a country with more than 5,000 years of civilization and several hundred million people, the establishment of a new political system in which the people are the masters of the country is of epoch-making significance in the history of China's political development and even in the history of world political development. In his speech at the gathering marking the 60th Anniversary of the Founding of the NPC, General Secretary Xi Jinping stated that: "Practice over the past 60 years has fully proved that the system of people's congresses is a good system that suits China's national conditions and reality, reflects the nature of the socialist country, guarantees the position of the people as masters of the country and ensures the realization of the great rejuvenation of the Chinese nation." Over the 60 years since its establishment, the system of people's congresses has played a critical role in China's socialist modernization drive and the great cause of reform and opening-up, showing its strong vitality and great superiority.

2.1 The System of People's Congresses Guarantees the Position of the People as Masters of the Country

Democracy literally means rule of the people. Therefore, whether the people are the masters of the country and how to control and exercise state power becomes an institutional standard for judging whether a political system is democratic or not. The system of people's congresses is the most distinctive feature of China's socialist democracy. The Chinese Constitution stipulates that all power in China belongs to the people; the people exercise state power through the system of people's congresses and become masters of the country. This is mainly reflected in the following three aspects.

First of all, with regard to the relationship between the people and the organs of state power, the system of people's congresses guarantees the position and right of the people as masters of the country. In China, all citizens who have reached the age of 18 should have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status, or length of residence, with the exception of persons who have been deprived of political rights according to the law. The National People's Congress and local people's congresses at various levels are composed of democratically elected deputies. Deputies to people's congresses at various levels are entitled to the following rights: attending sessions of the people's congresses, participating in the deliberation of all bills and proposals, reports and other issues; submitting proposals for addressing inquiries, proposals of recall, etc., in accordance with law; putting forward proposals, criticisms, and opinions; participating in all elections and all votes held by the people's congresses; and enjoying speech and vote immunity. Deputies to the people's congresses at all levels are responsible to the people and subject to their supervision and must work hard to serve the people. Second, in the relationship between the organs of state power and the people's government, the people's court, and the people's procuratorate, the Constitution stipulates that all administrative, judicial, and procuratorial organs of the state are created by the people's congresses to which they are responsible and by which they are supervised. The people's government, the people's court, and the people's procuratorate exercise the administrative, judicial, and procuratorial powers of the state and realize the will of the people by implementing the decisions, decisions and laws of the people's congress. Finally, the Constitution grants the people's congresses, as the organs of state power, the most important and extensive state power. The NPC and local people's congresses at various levels safeguard and realize the fundamental interests of the overwhelming majority of the people by exercising these powers granted by the people.

The system of people's congresses guarantees the unity of the people's rights and state power through the political system, embodies the constitutional principle that "all power in the People's Republic of China belongs to the people," and ensures that the people of all ethnic groups in the country carry out democratic elections, decision-making, administration, and oversight according to law and fully enjoy the human rights and fundamental freedoms as prescribed by the Constitution and laws.

2.2 The System of People's Congresses Has Mobilized All the People to Join the Socialist Construction as Masters

Marxism believes that compared with capitalist democracy, socialist democracy is a higher form of democracy. Socialist democracy not only affirms the political position of the people as masters of their own affairs through the fundamental political system and enables the people to enjoy extensive political rights equally and realize political emancipation, but also guarantees the economic and social position of the people as masters of the country and subjects of the society and enables the people to enjoy equal economic and social rights that are compatible with the level of economic and social development and achieve economic and social emancipation. The establishment and improvement of the socialist democratic system have completely changed the relationship between the people and the country and between the people and the society, and hundreds of millions of people have truly become the masters of the country, the subjects of the society, and the masters of their own fortune, thus unprecedentedly arousing the enthusiasm of people of all ethnic groups in administering and building the country.

On the one hand, the current Constitution adopted by the NPC clearly stipulates that the foundation of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production; in the primary stage of socialism, we must uphold the basic economic system whereby public ownership plays a dominant role and economic entities under diverse forms of ownership develop side by side; we must maintain the distribution system whereby distribution according to labor is dominant and a variety of other modes of distribution exist alongside it. This is the economic foundation and economic institutional guarantee for the people to be masters of the country and to exercise state power. On the other hand, the people's congresses always make realizing, safeguarding, and developing the fundamental interests of the overwhelming majority of the people the starting point and goal of all our work. For example, in terms of legislation, we must make laws in a scientific and democratic way and reflect the requirements of respecting and safeguarding human rights and maintaining social stability, ethnic unity, and national security through laws. In terms of supervision, we must lay emphasis on addressing major issues related to reform, development and stability, and hotspot and difficult issues that have a bearing on the immediate interests of the people; we will supervise and correct the acts of nonobservance and lax implementation of laws and failure to punish lawbreakers, and ensure that the legitimate rights and interests of citizens, legal persons, and other organizations are respected and safeguarded. In addition, the people's congresses and their standing committees have also continuously strengthened the building of an organic system and a work system, and ensure that deputies maintain close ties with the masses, ensuring that members of the people's congresses at all levels and their standing committees perform the duties of the people's deputies in accordance with the law and truly represent the interests of the people and thus ensure their right to be the masters of their own affairs.

2.3 The System of People's Congresses Guarantees the Coordinated and Efficient Operation of State Organs

How to strike a balance between democracy and efficiency has always been a difficult problem for the system of representative democracy. Under the system of "separation of powers," some Western countries have adopted a long session system, and the parliament has become a fruitless "talk shop." In addition, the legislative, executive, and judicial branches are mutually limited, so the parliamentary efficiency is very low. The socialist state regime established by the people under the leadership of the Communist Party of China adopts democratic centralism as an important principle for achieving the unity of democracy and efficiency. The Chinese Constitution stipulates that "The state organs of the People's Republic of China apply the principle of democratic centralism." Democratic centralism is also the fundamental principle for organization and activities of the system of people's congresses. Over the past 60 years and more, the National People's Congress and local people's congresses at all levels have upheld the principle of democratic centralism, fully promoted democracy, to give full expression to the will of the people and exercised legislative power collectively, decision-making power over major matters, power of appointment or removal, and power of supervision in accordance with legal procedures, made decisions collectively, and better fulfilled the responsibilities of the people's congresses.

Under the premise of the unified exercise of state power by the people's congresses, the system of people's congresses makes a reasonable division of labor among the administrative, judicial, and procuratorial organs through the Constitution and laws, specifies their respective functions and powers as well as their corresponding responsibilities and obligations, requires them to exercise their respective functions, perform their respective duties and work in harmony, and supports and supervises them to carry out work within the limits of their authority and in strict accordance with the procedures as prescribed by law to ensure that they exercise state power in a unified and efficient manner and use the power granted to them by the people to truly serve the people. In addition, determined by the nature of socialism, the Chinese Constitution and the principle of rule of law require that all state organs and their staff uphold the tenet of serving the people wholeheartedly and must not represent the special interests of any minority or group or department, and prohibit any act of abusing power for personal gain and seeking privileges of transcending the law. This provides fundamental institutional guarantee for eliminating the frictions and mutual involvement between the organs of state power, and urges them to share out the work and cooperate with one another under the constraints and supervision of the laws and the system of people's congresses.

2.4 The System of People's Congresses Safeguards The Unification of the Country and The Unity of All Ethnic Groups

Most countries safeguard their national sovereignty and security through the Constitution and laws, and prohibit any act which undermines national unification, territorial integrity, and ethnic relations. China is no exception. The National People's Congress and its Standing Committee, through supervising the implementation of the Constitution and laws, and local people's congresses at various levels, through securing the implementation and observance of the Constitution and laws, safeguard the unification of the country and the unity of all ethnic groups by means of the legal system.

First, in terms of the relationship between the central authorities and the provinces and municipalities directly under the central government, the National People's Congress clearly specifies the functions and powers of the central authorities and the provinces and municipalities directly under the central government through the Constitution and other laws. For example, the *Legislation Law* specifies that the National People's Congress and its Standing Committee have exclusive legislative power on 10 matters. Under the unified leadership of the central government, all provinces and municipalities directly under the central government exercise their respective powers in accordance with the law, administer local affairs, and promote local economic development and social progress.

Second, in terms of the relationship between the central authorities and ethnic autonomous areas, the *Constitution* and the *Law on Regional National Autonomy* adopted by the National People's Congress clearly stipulate that regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities; in these areas, organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China. The state protects the lawful rights and interests of the minority nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

Third, in terms of the relationship between the central authorities and the special administrative regions, under the premise of upholding the one-China principle and safeguarding state sovereignty, unity, and territorial integrity, the Constitution stipulates that the state may establish special administrative regions when necessary, special administrative regions may retain their capitalist systems over a long time to come, and the central government gives them a high degree of autonomy. China has thus resumed its exercise of sovereignty over Hong Kong and Macao and established the Hong Kong Special Administrative Region and the Macao Special Administrative Region. Moreover, China adheres to the principle of "one country, two systems" and will do its utmost to achieve a peaceful reunification across the Straits.

3 Operating Mechanisms of the System of People's Congresses

The operating mechanisms of the system of people's congresses refer to the specific constituent elements of the system of people's congresses and their interrelationships, including the functions, powers and organic system of people's congresses, mechanism for deputy election, mechanism for session operation, supervision mechanism, mechanism for activities of deputies during the intersessional period, mechanism for contact between deputies and the masses, and mechanism for leadership of the CPC over the people's congresses. The essential prescription and institutional superiority of the system of people's congresses must be realized through a series of operating mechanisms. The operating mechanisms of the system of people's congresses restricts the development and improvement of the system of people's congresses and the exertion of its function.

3.1 The Powers and Organic System of the People's Congresses

3.1.1 The Powers of the People's Congresses

The people's congresses have four main functions and powers: legislation, supervision, appointment or removal of officials, and making decisions on major issues. These functions and powers are a major reflection of the way the Chinese people exercise their power as masters of the state through the system of people's congress.

(1) Power of legislation. The NPC and its Standing Committee exercise the legislative power of the state, mainly to amend the Constitution, and enact and amend the basic laws concerning criminal offences, civil affairs, state organs, and other matters. The people's congresses at provincial level and their standing committees may, in the light of the specific conditions and actual needs of their respective administrative areas, formulate local regulations, which must not contravene the Constitution, laws, and administrative rules and regulations. The people's congresses of relatively large cities may, in the light of the specific conditions and actual needs of their respective cities, formulate local regulations, which must not contravene the Constitution, laws, administrative rules and regulations, and the local regulations of their respective provinces and autonomous regions; they shall report such local regulations to the standing committees of the people's congresses of the respective provinces and autonomous regions for approval before implementation. The people's congresses of the provinces and municipalities where the special economic zones are located and their standing committees may, according to the empowerment decision of the National People's Congress, adopt regulations to be enforced within the special economic zones. The people's congresses of the ethnic autonomous areas have the power to enact regulations

on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the ethnic group(s), and make appropriate adaptations of the laws and administrative regulations.

(2) Power of supervision. To supervise the work of the governments, the courts and the procuratorates are another important part of the supervisory power of the people's congresses and their standing committees at the corresponding level. To hear and review the work reports of the State Council, the Supreme People's Court and the Supreme People's Procuratorate are a basic means by which the NPC and its Standing Committee exercise their power of supervision. When the people's congresses are in session, the people's governments, people's courts, and people's procuratorates at the same level should report their work to the session, and the people's governments should submit their draft budgets and draft plans for national economic and social development, and the draft budgets should be reviewed for approval by the session. When the standing committees of the people's congresses are in session, they listen to work reports and reports on issues that are significant to the reform, development, and stability, as well as urgent topics or difficulties that are related to the immediate interests of the people. To supervise the enforcement of the Constitution and the law is a major content of the supervisory power exercised by the NPC and its Standing Committee. The basic way such supervision is carried out is by examination of the enforcement of laws and by checking the reporting of regulations for the record.

(3) Power of personnel appointment or removal. The people's congresses and their standing committees have the power to elect, decide on, appoint or remove, and replace or recall members of relevant organs of state power. The NPC elects the president and the vice-president of the PRC, and the chairperson of the Central Military Commission of the state; decides on the choice of the premier of the State Council upon nomination by the president; decides on the choice of the vice-premiers, state councilors, ministers in charge of various ministries or commissions, the auditor-general, and the secretary-general of the State Council upon nomination by the premier; decides on the choice of all other members of the Central Military Commission upon nomination by the chairman of the Central Military Commission of the state; and elects the president of the Supreme People's Court and the procurator-general of the Supreme People's Procuratorate. The local people's congresses at all levels exercise their power to elect, decide on, appoint or remove, and replace or recall members of local organs of state power in accordance with the law.

(4) Power to making decisions regarding major issues. The NPC is entitled by the Constitution to approve the establishment of provinces, autonomous regions, and municipalities directly under the central government, decide on the establishment of special administrative regions and the systems to be instituted there, and decide on questions of war and peace, and other major issues. Issues that are significant to the national economy and social development can only be implemented after a resolution has been made by the NPC (Table 1).

Table 1 Functions and powers of the people's congresses at various levels

	Legislation power	Power of personnel appointment or removal	Political power	Economic power	Power of questions of war and peace
The NPC	To amend and enact various laws	To elect President and Vice-President of the People's Republic of China, the Premier and Vice-Premiers, Chairman of the Central Military Commission, President of the Supreme People's Court, and the Procurator-General of the Supreme People's Procuratorate and carry out supervision	To listen to and approve the work reports of the State Council, the Supreme People's Court, and the Supreme People's Procuratorate are passed; to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government; to decide on the establishment of special administrative regions and the systems to be instituted there	To examine and approve the plan for national economic and social development and the report on its implementation; to examine and approve the state budget and the report on its implementation	Decide on questions of war and peace
The people's congresses of provinces and relatively large cities	To enact local regulations	To elect administrative leaders, presidents of people's courts, and chief procurators of people's procuratorates at the corresponding levels	To listen to and approve the work reports of the governments, courts, and procuratorates; to supervise the work of the governments, courts, and procuratorates	To approve the plan for economic and social development of the administrative region; approve the budget and the report on its implementation	

(continued)

Table 1 (continued)

	Legislation power	Power of personnel appointment or removal	Political power	Economic power	Power of questions of war and peace
The people's congresses at the county-level		To elect administrative leaders, presidents of people's courts, and chief procurators of people's procuratorates at the corresponding level	To listen to and approve the work reports of the governments, courts, and procuratorates; to supervise the work of the governments, courts, and procuratorates	To approve the plan for economic and social development of the administrative region; approve the budget and the report on its implementation	

3.1.2 The Organic System of People's Congresses

The system of people's congresses is "the organizational form of state power with the people's congresses as the core and main content."[2] The people's congresses are organs of state power, and their organic system includes the following.

First, the National People's Congress is the highest organ of state power, and local people's congresses at various levels are local organs of state power. Local people's congresses at various levels include the people's congresses of all provinces, autonomous regions, and municipalities directly under the central government; the people's congresses of cities divided into districts and autonomous prefectures; the people's congresses of cities not divided into districts, municipal districts, counties, and autonomous counties; and the people's congresses of townships, nationality townships, and towns.

Second, local people's congresses at and above the county level establish standing committees as the permanent organs of state power when the people's congresses at the same level are not in session and exercise the state powers other than those exercised by the people's congresses at the same level. The people's congresses at township and town levels do not establish standing committees. There is a large number of deputies to the people's congresses at various levels in China, most of them are labor models and core members from all walks of life and leading officials of Party and government organs. This is a major structural feature and advantage of deputies to the People's Congress in China and is conducive to realizing broad representation. However, on the other hand, as most of deputies only work part-time, they are unable to meet frequently and each session is short, which is not conducive to the exercise of state power by the people's congresses. In order to make up for this deficiency, local people's congresses at and above the county level have established standing

[2]Cai Dingjian, *The Chinese System of People's Congress*, Law Press, 2003, p. 25.

committees as their permanent organs of state power. The standing committee of a local people's congress at and above the county level is composed of a chairman, vice-chairmen, and members. The members of the standing committee are generated by multi-candidate election from the deputies to the current people's congress, and their term of office is the same as that of the deputies.

Third, the people's congress at or above the level of a city divided into districts or autonomous prefecture may set up a special committee or a working committee and administrative organization. For example, there are nine special committees under the NPC, and under the NPC Standing Committee; there are the Budgetary Work Committee, the Legislative Affairs Commission, the Credentials Committee, and so on. In addition, a general office was established as the administrative organization of the NPC Standing Committee. The standing committee of the people's congress at or above the county level can also establish a council of chairmen or a council of directors as its working organization (Table 2).

Table 2 Functions and powers of the NPC and its Standing Committee

	The National People's Congress	The NPC Standing Committee
Legislation power	To amend the Constitution; to supervise the enforcement of the Constitution; to enact and amend basic laws governing criminal offences, civil affairs, the state organs, and other matters	To interpret the Constitution and supervise its enforcement; to enact and amend laws, with the exception of those which should be enacted by the National People's Congress; to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress
Power of personnel appointment or removal	President and Vice-President of the People's Republic of China; the Premier, Vice-Premiers; Chairman of the Central Military Commission; President of the Supreme People's Court; the Procurator-General of the Supreme People's Procuratorate	To decide on the choice of Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council; the President of the Supreme People's Court, the Vice-Presidents and Judges of the Supreme People's Court, members of its Judicial Committee, and the President of the Military Court; the Procurator-General of the Supreme People's Procuratorate, the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate; plenipotentiary representatives abroad

(continued)

Table 2 (continued)

	The National People's Congress	The NPC Standing Committee
Economic power	To examine and approve the plan for national economic and social development and the report on its implementation; to examine and approve the state budget and the report on its implementation	To review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the state budget that prove necessary in the course of their implementation
Political power	To examine and approve the plan for national economic and social development and the report on its implementation; to examine and approve the state budget and the report on its implementation; to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels; to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government; to decide on the establishment of special administrative regions and the systems to be instituted there	To review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the state budget that prove necessary in the course of their implementation; to supervise the work of the State Council, the Central Military Commission, the Supreme People's Court, and the Supreme People's Procuratorate; to annul those administrative rules and regulations, decisions, or orders of the State Council that contravene the Constitution or the law
Power of questions of war and peace and emergency	To decide on questions of war and peace	To decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defence against aggression; to decide on general mobilization or partial mobilization; to decide on the imposition of martial law throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government
Others		To institute state medals and titles of honour and decide on their conferment; to decide on the granting of special pardons

3.2 Mechanism for Election of Deputies to the People's Congresses

Deputies to the people's congresses are the tissue cells of the people's congresses, and the mechanism for election of deputies to the people's congresses is the basic operating mechanism of the system of people's congresses.

3.2.1 Number of Deputies to the People' Congresses

China has a large population, and the total number of elected deputies to the people's congresses is relatively large. Generally speaking, the number of deputies to the people's congresses at the township level nationwide is about 2 million, the number of deputies to the people's congresses at the county level is about 600,000, the number of deputies to the people's congresses at the prefecture is about 120,000, the number of deputies to the people's congresses at the provincial level is about 20,000, and the number of deputies to the National People's Congress is slightly less than 3,000.[3]

In 2013, a total of 2,987 deputies were elected to the 12th National People's Congress. Among them, 409 were from ethnic minorities, accounting for 13.69% of the total and covering all the 55 ethnic minority groups in China; 35 were returned overseas Chinese; 1027 were reelected, accounting for 34.38%; 699 were female, accounting for 23.4%, an increase of 2.07% compared with the 11th NPC; 401 were workers and farmers from the front line, accounting for 13.42%, an increase of 5.18%, among whom the number of migrant worker deputies increased significantly; 610 were professional and technical personnel, accounting for 20.42%, an increase of 1.2%; 1042 were Party and government officials, accounting for 34.88%, a decrease of 6.93%. Arguably, a certain number of deputies from every region, ethnic group, or realm were present at the NPC. Particularly, the proportion of workers and peasants from the front line increased remarkably, the proportion of women deputies increased slightly, and the proportion of deputies from Party and government leading officials decreased significantly, representing a further optimized structure.

3.2.2 Election of Deputies to the People's Congresses

According to the Constitution and the law, deputies to the people's congresses at various levels should be elected by the people and serve a term of 5 years, and there is no restriction on their reelection. Deputies to people's congresses at different levels are selected through direct and indirect elections. Deputies to the National People's Congress, the people's congresses of provinces, autonomous regions, municipalities directly under the central government, and the people's congresses of cities divided into districts and autonomous prefectures are elected indirectly by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies. The measures for election of deputies from Hong Kong and Macao Special Administrative Regions and Taiwan region to the National People's Congress and for election of deputies from the PLA to the National People's Congress and local people's congresses are formulated separately.

The procedures for election of deputies to the people's congresses generally follow the following principles. First, the principle of universality, which emphasizes the

[3] Shi Weimin, *Report on China's Election Progress*, China Social Sciences Press, 2009, pp. 64–97.

broadness of political participation. All eligible citizens generally have the right to vote and stand for election. Second, the principle of equality, which emphasizes that everyone should be equal, no one should have privilege, and no one should be discriminated against and emphasizes equality in allocation of number of deputies. All ethnic groups and regions should have an adequate representation. Third, secret election, where deputies are voted by secret ballot to protect the rights of voters. Fourth, multi-candidate election, which ensures the competitiveness of election and prevents an election from becoming a mere formality because there is only one candidate. Fifth, the principle of guaranteeing the rights of elections, where the expenses required for elections are financed by the state, the elections are carried out in accordance with the relevant procedures, and the elections are guaranteed by the law.

The electoral process is introduced below by taking the election of deputies to the people's congresses at county and township levels as an example. At the time of reelection, the people's congresses at the county and township levels establish election committees to preside over the election of deputies to the people's congresses at the same levels. Members of the election committees at the two levels are appointed by the standing committees of the county-level people's congresses. The election committee is responsible for determining the electoral boundaries and allocating the number of deputies to be elected in each electoral district; conducting the registration of voters and examining the voters' qualifications; determining the election date; publishing a list of formal candidates; determining whether the result of election is valid and publishing a list of elected deputies. In terms of registration of voters, the registration of voters is conducted on the basis of electoral districts. There are two ways for registration of voters: first, the election committee sends staff to voters' residences and work places to have them registered; second, voters themselves register with the working bodies established by the election committee by presenting valid documents. The roll of voters should be announced by the election committee 20 days prior to the date of election, and whoever raises any objection to the voters' roll may lodge the objection with the election committee within 5 days from the date of publication of the voters' roll. The election committee should make a decision on the objection within 3 days. In terms of generation of candidates, there are two ways to nominate candidates for the deputies to the people's congresses: political parities and people's organizations may jointly or separately nominate candidates as NPC deputies, and a group of ten or more voters or deputies may also nominate a candidate. Where the deputies to the people's congresses are to be directly elected by the voters, the number of candidates should be greater than the number of deputies to be elected by one-third to 100%. The election committee should publish a list of candidates no later than 15 days before the date of election, and deliver it to the voter groups in the respective electoral districts for discussion and consultation to determining a list of formal candidates. The list of formal candidates should be published no later than 7 days before the date of election. In order to allow voters to fully understand the candidates for deputies to the people's congresses, the election committee should organize activities and introduce candidates to the public according to the law. There are three specific forms: the organizations or individuals recommending candidates

introduce the candidates to the voters; second, the election committee introduces candidates to the voters; third, the election committee organizes candidates to meet with the voters. In terms of ballot for election, the election of deputies to the national and local people's congresses at various levels should be conducted by secret ballot. In order to ensure that the voters can exercise the right to vote freely according to law, secret polling booths are set up at the time of election. At the time of election, a polling station may be established, or an election meeting may be held. A voter who is not in his electoral district during the period of an election may, with the approval of the election committee, appoint in writing another voter to vote on behalf of him. Voters may take part in the election in the electoral districts of their present places of residence after obtaining a certificate of their qualifications as voters in their original electoral districts. An election will only be valid if more than half of all the voters in an electoral district cast their votes. An election should be valid if the number of votes cast is less than the number of people who voted. After confirming that the election is valid, the election committee should promptly announce the list of elected deputies.

The latest reelection of the people's congresses at the county and township levels occurred in 2011–2012. According to statistics, the number of registered voters in the election of deputies to people's congresses at the township level reached more than 723 million, where 90.55% of the registered voters cast their ballots, and 1,942,388 citizens were elected as deputies to the township-level people's congresses; the number of registered voters for the election of deputies to county-level people's congresses reached more than 981 million, where 90.24% of the registered voters cast their ballots, and 597,794 deputies to the county-level people's congresses were elected.[4]

3.3 Operating Mechanism of the Sessions of People's Congress

In a broad sense, the sessions of people's congresses include the sessions of people's congresses at all levels and meetings of the standing committees of people's congresses at or above the county level. The sessions of people's congresses are decisive occasions for deputies to the people's congress to exercise their power, and their operating mechanism plays a decisive role in the realization of the principles and functions of the system of people's congress. The functions of the operating mechanism of people's congresses include convocation and presiding of meetings, form of meetings, agenda of meetings, methods and procedures for deputies to perform their duties during the meetings, voting method of meetings, and duration of meetings.

The current session of people's congress is relatively short. The people's congresses at various levels hold regular meetings every year, and the duration of

[4]Mao Lei, "Reelection of the People's Congresses at County and Township Levels Is Completed," *People's Daily*, January 23, 2013.

session is not clearly defined by law. The National People's Congress usually lasts for 8–14 days. The people's congress at or above the county level usually lasts for 2–5 days. When reelection is carried out, the people's congress usually lasts for 3–7 days. The township-level people's congress usually only lasts for half a day or a day, or 1–2 days when reelection is carried out. The standing committee of a local people's congress holds a meeting regularly every 2 months. There is no clear legal requirement for the duration of the meeting. The meeting of the NPC Standing Committee usually lasts for about 1 week.[5] The meeting of the standing committee of a provincial-level people's congress usually lasts for 2–3 days. The meeting of the standing committee of a municipal-level people's congress usually lasts for 1–2 days, and the meeting of the standing committee of a county-level people's congress usually lasts only for half a day to one day.[6]

In terms of forms of sessions, during an NPC session, presidium meetings, plenary meetings, and general meetings and group meetings of delegations are held. Article 61 of the Constitution stipulates that when the National People's Congress meets, it elects a Presidium to conduct its session. In fact, the Presidium is a leading body and decision-making body of an NPC session. The plenary meetings mainly have two tasks: to listen to various work reports and statements on legislative bills and other bills or proposals; and to vote on bills or proposals and make decisions. The meetings of delegations are held before each session of the NPC and mainly discuss matters concerning preparations for the session put forward by the Standing Committee of the National People's Congress. During the session, the delegations shall deliberate on the bills and proposals submitted to the Congress, and the heads of delegations or representatives chosen by them may express, on behalf of those delegations, opinions on the bills and proposals at meetings of the Presidium or at plenary meetings of the session. During the session, the delegations may also submit bills and proposals within the scope of the respective functions and powers of the National People's Congress.

3.4 Supervision Mechanism of People's Congresses

The supervision mechanism is the guaranteed operating mechanism of the system of people's congresses. The supervision mechanism of people's congresses mainly aims to supervise the work of the people's government, the people's court, and the people's procuratorate through listening to and deliberating on their work reports; to supervise the work of the government through examining and approving final accounts and listening to and deliberating on report on the plan for national economic and social development and the implementation of the previous year's plan, the report on the State budget, and the implementation of the previous year's State budget;

[5] Chen Sixi, *Introduction to the System of People's Congress*, China Democracy and Legal Publishing House, 2008, p. 59.

[6] Ibid., pp. 80– 94, p. 86.

and to supervise the work of relevant state organs and their functionalities through inspecting enforcement of laws and regulations, questioning and addressing inquiries, investigation into specific issues, and deliberating and deciding on proposals for recall and removal from office.

Presently, the supervision mechanism is the weakest link in the operating mechanism of the system of people's congresses. There exist problems in the following four aspects. First, the organizations and institutions that exercise the power of supervision are weak and hardly seem up to the arduous supervision tasks. The supervision by the people's congresses involves all aspects of the political life of the country, and the supervision tasks are arduous. The people's congresses and their standing committees are organs for the people's congresses to exercise the power of supervision. The people's congresses and their standing committees are state organs of a conference nature, and most members of the standing committees are part-time, so they can hardly undertake the arduous supervision tasks. Second, the supervision procedures are not operational. Taking budget supervision as an example, examining and supervising the budgets of the governments is the main way for the people's congresses to supervise the governments. However, the reports on the budgets submitted to the people's congresses for deliberation are relatively sketchy, and deliberation and approval of the budgets is a mere formality at present, so the budget supervision function of people's congresses has not been effectively fulfilled. Third, the results of supervision are not explicit. If the work reports of the people's government, the people's court, and the people's procuratorate are not approved by the people's congresses, the legal consequences, the persons who should be held responsible, and the ways they assume responsibilities are not prescribed clearly by law, thus affecting the actual effect of the supervision by the people's congresses. Fourth, the efficiency of inspections and law enforcement examination needs to be strengthened.

3.5 Mechanism for Activities of Deputies When the People's Congresses Are not in Session

Deputies to the people's congresses can keep themselves well-informed of the relevant situations through participating in activities in relation to performance of their duties when the people's congresses at the corresponding levels are not in session so as to make necessary preparations to exercise their powers during the sessions. Meanwhile, the performance of their duties when the people's congresses at the corresponding levels are not in session is also an important way for deputies to exercise the supervision power and maintain contact with the voters of the electoral districts or the electoral units that elected them and with the mass people. At present, the activities of deputies when the people's congresses at the corresponding level are not in session are mainly collective activities, the forms of which include inspections, law enforcement examination, special surveys, group activities of deputies, attending the relevant meetings as nonvoting participants, etc. Group activities of deputies are the

basic form of performance of duties during the intersessional period. The activities of deputies in relation to performance of their duties when the people's congresses at the corresponding levels are not in session are organized by the standing committees of the people's congresses at the corresponding levels.

3.6 Mechanism for Deputies to the People's Congresses Contact the Masses

Deputies to the people's congresses are representatives of the people, and the mechanism for deputies to maintain contact with the masses is an important part of the operating mechanism of the system of people's congresses. The mechanism for deputies to maintain contact with the masses is embodied in all aspects of the operating process of the system of people's congresses. In the deputy generation process and the activities in relation to performance of their duties, deputies are required to contact the masses through certain means and listen to and convey the wills of and demands of the masses.

3.7 The Leadership Mechanism of the CPC Over the People's Congresses

Upholding the leadership of the CPC is the essential feature of the Chinese socialist system and the political principle that must be followed by the system of people's congress. The leadership mechanism of the CPC over the people's congresses mainly means that the Party turns its will into the will of the state through legal procedures, the Party enables the candidates recommended by the Party organizations to become the leaders of the organs of state power through the legal procedures, and the Party enables the candidates recommended by the Party organizations to become formal deputies to the people's congresses at various levels through the legal procedures.

4 Adhering to the System of People's Congresses and Never Adopting the Separation of Powers and the Bicameral System Instituted in the Western Countries

No two political systems are entirely the same, and a political system cannot be judged in abstraction without regard for its social and political context, its history, and its cultural traditions. No one political system should be regarded as the only choice, and we should not just mechanically copy the political systems of other countries. China

practices the system of people's congresses rather than the system of separation of powers or the bicameral system instituted in Western countries. On the one hand, this is determined by China's historical traditions and actual national conditions, and on the other hand, as the system of people's congresses implements "democratic centralism" and "unicameralism," it has systematically overcame the limitations of the system of separation of powers and the bicameral system in Western countries and thus is a new political system that ensures the position of the people as masters of the country.

4.1 The System of People's Congresses Suits China's Basic National Conditions and Development Reality

In his speech at a conference celebrating the 60th anniversary of the founding of the NPC, General Secretary Xi Jinping stated: "No two political systems in the world are entirely the same, and there is no one political system that suits all countries. 'Things are born to be different.' Different countries have different national conditions. The political system of each country is unique and should be determined by the people of this country. It is the result of long-term development, gradual improvement and endogenous evolution of the country based on its historical heritage, cultural traditions and economic and social development." This has been also proved by the institutional choices and development practices of various countries. In the UK, for example, the highest authority of the parliament is linked to its advantages as an island country and competition among multiple power groups in the country. The reason why France embarked on the road of centralization is linked to the conflicts with its neighbors. This is because only a centralized system can effectively organize a country's foreign wars, so France practices a president-centered system. Similarly, the system of people's congresses has its own profound theoretical and realistic basis for its taking of root and development in China.

First of all, this is determined by the foundation on which the CPC builds our country and its value orientation. The founding of the People's Republic of China is not the result of the political victory of a certain group, nor the result of the acquisition of political power by a certain class. The system of people's congresses marks that the People's Republic of China is a country of the people, and the ultimate force that determines its state form is the people. "The Communist Party of China is the political organization that has explicitly linked the country with the people for the first time in the history of China, liberated the country from the rule by individuals and groups and returned it to the people, and put for the first time the people's rights in the first place in its Political Manifesto and regard them as its value pursuit."[7]

Second, the system of people's congresses is an institutional form that suits China's national conditions. China is a country with a vast territory and a large

[7]Liu Jianjun, "Comparison of the System of People's Congresses of China and the Western Parliament System", *Tribune of Study*, Issue 4, 2010.

population. It is composed of 56 ethnic groups and faces serious problems of uneven development among different regions and ethnic groups. This requires China to establish a political system that can absorb many different elements into a unified state system so that the idea of the state can penetrate into different groups, and different groups can gain a unified political identity. The system of people's congresses is a system established based on this requirement. The system of people's congresses closely links the country with the people, and provides a platform for representatives of people of different ethnic groups, professions, and regions to carry out dialogues and discussions and express their demands and opinions. This is a political expression of China's complex national conditions with Chinese characteristics.

Finally, the development and gradual reform of the system of people's congresses to keep pace with the times provide an important guarantee for China's development. After the reform and opening-up, China's development is facing huge pressures and shocks, including pressure of globalization, pressure of marketization, pressure of migrant groups, pressure of new social classes, etc. However, China's political system has coped well with and eased these pressures, thus ensuring the speed and quality of China's development. In this regard, the system of people's congresses has played an important role as a fundamental political system. On the one hand, the people's congresses and the people's government, the people's court, and the people's procuratorates do not restrict each other or counteract each other's efforts, but work in harmony on the basis of rational division of labor. The people's congresses are not established on the basis of a multiparty system in which seats are gained through elections, thus avoiding the overt contention and covert struggle among the parliamentary party group and the disputes of interests among the groups and ensuring the smooth implementation of the country's development strategies. On the other hand, the system of people's congresses is under gradual reform, and the value pursuit of people's democracy and the function of legal supervision are continuously strengthened in the reform, which not only ensures the scientificness of decision-making, but also releases and eliminates the pressures from the society in the development process through institutional and legal approaches.

4.2 Inherent Disadvantages of the Separation of Powers and the Bicameral Systems in Western Countries Are Increasingly Obvious

The separation of powers is the principle of the political system in Western capitalist countries. During the bourgeois revolution, this principle had progressive significance in denying the feudal autocratic rule and establishing the bourgeois republics. However, the separation of powers is theoretically based on individualism and liberalism, with private ownership of property as its economic basis and two-party and multiparty systems as its institutional pillars, and its ultimate goal is to ensure and maintain the political rule of the bourgeoisie. Therefore, the nature of "separation

of powers" is the division of power and distribution of interests within the bourgeoisie. This nature determines its insurmountable limitations and disadvantages. Some Western scholars have to admit the limitations of the separation of powers. Fulbright, a former US Senator, said when he talked about the separation of powers in the United States that: "Our political system is not working effectively today … When the Democratic Party controls the Congress while the President is a Republican, the inherent rivalry between the legislature and the executive stipulated in the Constitution is greatly exacerbated …The Congress often cannot reach a consensus on the budget, nor can it effectively reduce the fiscal deficit. … This is due largely to the inherent rivalry between the legislature and the executive of the system of separation of powers of our government." Professor Herzog also stated when commenting on the separation of powers in Germany that: "The parliament and the government do not comply with Montesquieu's requirements for separation of powers: first, as the government is appointed by the parliament, it can be disbanded by the parliament at any time; second, the governments and the parliaments of 'the government' largely belong to the same political party or coalition, so it is impossible to realize separation of powers between them."

Generally speaking, the separation of powers in Western countries has the following disadvantages. First, the separation of powers cannot fundamentally solve the basic contradiction that the power of capitalist countries is above the society, so they can hardly form an institutionalized mechanism for the people and the society to monitor and check on state power. Therefore, under the system of separation of powers, the people are not the masters of the country and the subjects of democracy. Civil rights and state power are in an opposite state. Civil rights are often infringed on by state power and become a force against state power. Second, the separation of powers characterized by mutual check on power actually puts on a legitimate coat for the political struggles. The endless political debates do not help to solve problems, but create problems, thus leading to deadlocks and inefficiency, affecting the development strategies of the whole country and also making it impossible for the state apparatus to adapt to the needs of social development and changes. Especially since the 1930s, with the transformation of the functions and roles of the governments in Western countries, the separation of powers has undergone the changes of "strengthening of executive power, weakening of legislative power, and politicization of judicial power." The traditional principle of "separation of powers" is gradually declining in the political practice of the Western bourgeoisie.

A bicameral system is a parliamentary system that consists of two legislative chambers, often described as the upper house (the Senate, the Council of States, or the House of Lords) and the lower house (the House of Representatives, the National Assembly, or the House of Commons), in which power is divided and checked on between the two chambers. The two houses represent different interests and exercise roughly the same or different powers according to the Constitution and the law. At present, among the 187 countries that have established their representative bodies (parliaments) in the world, 72 countries have a bicameral legislature and 115 have a unicameral legislature. Since bicameral parliament was created by the modern bourgeoisie, it has been constantly criticized. During the French

Revolution, the famous political philosopher Abbe Sieyes expressed his classic view on repudiating bicameralism. He holds that under a bicameral parliament, if the second chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous.

In fact, whether a country adopts a unicameral or a bicameral legislature is determined by various factors such as the country's historical and cultural traditions, basic national conditions, political system, and form of state structure. This is the internal affairs of each sovereign state. Why does China adopt the system of people's congresses as a unicameral legislature instead of a bicameral legislature? The answer can be found in a speech by Comrade Deng Xiaoping. On April 16, 1987, when Comrade Deng Xiaoping met with members of the Drafting Committee of the Basic Law of the Hong Kong Special Administrative Region, he clearly stated: "Western democracy includes, among other features, the separation of the three powers and multiparty elections. We have no objection to the Western countries doing it that way, but we on the Chinese mainland do not have such elections, nor do we separate the three powers or have a bicameral legislature. We have a unicameral legislature, the National People's Congress, which best conforms to China's realities. As long as it keeps to the right policies and direction, such a legislative body helps greatly to make the country prosper and to avoid much wrangling."

4.3 Differences Between the System of People's Congresses and the Parliamentary System in Western Countries

4.3.1 Differences in Nature and Positioning

The National People's Congress is the supreme organ of state power, while a parliament in a Western country is usually only a legislature.

The system of people's congresses is the fundamental political system of China. It is in the central position of the contemporary Chinese political system. All leaders of state organs and judicial organs are elected by the people's congresses and are subject to their supervision. Meanwhile, the people's congresses emphasize a broad representation in the structure of deputies. For example, the total number of deputies to the NPC is capped at 3,000, and the distribution of NPC deputies reflects multiple variables such as regional differences, urban-rural differences, ethnic differences, gender differences, identity differences, and status differences. The overall direction is to emphasize a broad representation in participating in state governance. Therefore, the people's congresses are the legitimacy foundation for China's state governance. A Western parliament is a legislature that collects public opinions and exercises a check on executive and judicial branches through elections. Although parliamentarians have different political views and belong to different parties, a parliament, as a political

group, is in essence a political speaker for the bourgeoisie and big consortiums. The parliament is merely a platform for redistributing political interests through the gathering of parliamentarians. Therefore, the people's sovereignty displayed by the system of people's congresses is far greater than that of the parliamentary system in Western countries.

4.3.2 Different Status Quos and Development Prospects

The system of people's congresses is an important carrier for China's future political development, and Western parliaments are "twilight bodies" that resist administrative encroachment.

The system of people's congresses embraces a space for stimulating China's political development, and it provides an impetus to China's political development. After the decline in the twentieth century, Western parliaments have been unable to restore their glory of the nineteenth century. In the institutional framework of Western countries, parliament exists as a body carrying the legislative power. The decline of parliament is actually the decline of legislative power. The famous Chinese scholar Cao Peilin described the decline of parliament and the rise of administrative state as "administrative centralism democracy." He believes that the transformation from representative democracy to administrative centralism and from the representative government to the administratively centralized government is the overall feature of the Western developed countries in the twentieth century. The root cause for such change lies in the class and group alliance behind legislature and executive organs. Administrative centralism democracy reflects the increasingly strict and firm control of the bourgeoisie over the political power. When needing to resist feudalism and monarchy, the bourgeoisie values the space that can show its power—the parliament. When needing to strengthen the overall control of the economy and power, the bourgeoisie values the executive heads that can control and influence the parliamentary judiciary, especially the heads that hold various real powers, to make it convenient for the bourgeoisie to take overall control over the state. Compared with the inevitable decline of Western parliaments, the system of people's congresses is showing a strong momentum. On the one hand, the NPC plays an irreplaceable role in promoting the building of China as a country ruled by law, and on the other hand, local people's congresses also play an irreplaceable role in building an orderly local governance system.

4.3.3 Different Operating Carriers

The operating carrier of the system of people's congresses is the people's congresses and their standing committees, and the operating carrier of the parliamentary system is essentially a political party and a parliamentary party group.

As mentioned above, the internal structure of the people's congresses is divided into two levels: the people's congresses at various levels, and the standing committees established by the people's congresses at and above the county level as their permanent organs. The standing committees are organs that exercise power when the people's congresses at the corresponding levels are not in session and are responsible to the people's congresses and subject to their supervision. The organizational structure of a Western parliament is mostly composed of parliamentarians, speakers, committees, parliamentary groups, and working bodies. On the surface, the operating carriers of the two bear some similarities. But in fact, as political parties are the most developed organizations that reflect class interests, it is inevitable that class rule will control state power through political parties. Therefore, representative democracy in the contemporary Western parliamentary systems is in essence party politics, and the operating carrier of party politics in parliaments is the parliamentary party group. Up to now, the parliamentary party group system has become the constructor and operator of the entire Western democratic system. The existence and operation of the parliamentary party group has made political parties no longer succumb to the analytical paradigm of parliamentary parties and electoral parties in the process of political practice. Instead, they have become the dominant players that organically control the entire democratic system. Arguably, the development of democracy and the progress of the electoral society have jointly spawned the political parties and political party systems in modern Western countries. After a political party has gained the opportunity to take over the state power through elections, it will in turn carry out ruthless distortion and naked manipulation of a set of democratic systems on the parliamentary stage.

5 Development and Improvement of the System of People's Congresses

In his speech at a gathering marking the 60th Anniversary of the Founding of the NPC, General Secretary Xi Jinping stated that: "The system of people's congresses is an important part of the socialist system as well as the basic political system that underpins China's system and capacity for governance." The 3rd Plenary Session of the 18th CPC Central Committee proposed that the overall goal of deepening reform in every field is to improve and develop the system of socialism with Chinese characteristics and modernize China's system and capacity for governance. The development of the system of people's congresses, as an important supporting force and an integral part of China's system and capacity for governance, falls behind the tremendous changes brought about by economic and social diversification and does not meet the overall development requirements of the system for state governance, so it needs to be further improved and developed. Specifically, we can discuss how to improve the system of people's congresses from the following two aspects: first, the system of people's congresses, as a model of modern state governance, needs to further

handle properly the political relationship between the people's congresses and the ruling party, and handle properly the relationship between the people's congresses at all levels and other state organs at the same levels; second, the system of people's congresses, as a modern state governance process, needs to further innovate and improve its two basic functions of legislation and supervision.

5.1 Improving the Political Relationship Between the People's Congresses and the Ruling Party

The people's congresses are the organs of state power. The Communist Party of China is the ruling party and the core of leadership of the Chinese people. The two are not subordinate to each other organizationally, but have a leadership of leading and being led politically.[8] The key point is how to organically unify the propositions of the ruling party and the needs of the people through the people's congresses as an institutional form and then manifest them in the form of the will of the state and have the will of the Party democratized and codified. Practice has proved that the smoother this process proceeds, the stronger the Party's leadership role will be and the better the governance function of the people's congresses as the organs of state power will be exercised.[9]

Since the reform and opening-up, the CPC has made arduous explorations in this regard, and the relationship between the ruling party and the people's congresses becomes clearer and more standardized and institutionalized, which is mainly reflected in two aspects: on the one hand, the ruling party clearly requires that the Party must respect the Constitution and laws, exercise law-based governance and political power, support and guarantee that the people exercise state power through the people's congresses, and support the people's congresses and their standing committees to give full play to their role as organs of state power and to exercise various functions and powers according to law; on the other hand, the style of political leadership of the ruling party over the people's congresses at all levels is also being constantly improved, including giving to play the role of the leadership core of the party groups of the people's congresses at various levels, promoting the political position of the main leaders of the standing committees of the people's congresses, and maintaining a certain proportion of CPC members in deputies to the people's congresses at various levels.

In the new era, the relationship between the people's congresses and the ruling party has been gradually incorporated into the constitutional and legal framework. The ruling party has clearly proposed that various organizations, including the ruling party, and individuals must take the Constitution as the basic standard of conduct,

[8] *Selected Works of Peng Zhen*, People's Publishing House, 1991, p. 222.

[9] Lin Bohai, "The Changes and Development of the Relationship between the Ruling Party and the People's Congresses since the Founding of the people's Republic of China", *Journal of Southwest Jiaotong University*, No. 5, 2009.

and they have the duty to uphold the dignity of the Constitution and ensure its implementation. This provides a fundamental prerequisite for further improving the political leadership of the ruling party and the relationship between the ruling party and the people's congresses.

5.2 *Improving the Relationship Between the People's Congresses at Various Levels and Other State Organs at the Corresponding Levels*

From the perspective of state governance, there is a complicated relationship between the people's congresses at various levels and other state organs. On the one hand, the people's congresses at various levels are the organs by which other state organs at the corresponding levels are created, and the governments, and the courts and the procuratorates at the corresponding levels are constituted through elections to form the basic components of state governance. The people's congresses at various levels and their standing committees should supervise the work of the governments, the courts, and the procuratorates at the corresponding levels in accordance with the Constitution. On the other hand, the people's congresses at various levels and their standing committees share out the work and cooperate with the governments, the courts, and the procuratorates at the corresponding levels in concrete governance work. The supervision by the people's congresses is not intended to limit the operation of other state organs, but to give to play their respective governance functions to achieve the goal of overall governance. "Such rational division of labor between state organs can not only avoid excessive centralization of power, but also ensure that all the work of the state is performed effectively."[10] This is also an important feature that distinguishes the Chinese political system from the Western separation of powers. In the future, China will continue to making improvements in this regard.

5.3 *Strengthening and Improving Legislative Work*

Comrade Deng Xiaoping once said that: "To ensure people's democracy, we must strengthen our socialist legal system, which will enable democracy to be institutionalized and codified, so that such institutions and laws will not change with changes in the leadership or changes in the views or focus of attention of any leader."[11] Turning the will of the ruling party into the will of the state through democratic means and completing legislation according to the needs of economic and social development and state governance are the basic functions of the system of the people's congresses. The 30 years and more of reform and opening-up is also the golden period for the

[10] *Selected Works of Peng Zhen*, People's Publishing House, 1991, p. 546.

[11] *Selected Works of Deng Xiaoping*, Vol. 2, People's Publishing House, 1994, p. 146.

legislative work of the people's congresses at various levels. With decades of hard work, we have brought into being a socialist system of laws with Chinese characteristics so as to ensure there are laws to abide by for the carrying on of state affairs and social life. However, times are moving ahead and the situation is developing, and the legal system must also continuously develop with the development of the times and practices. This requires the people's congresses at various levels to stick to problem orientation, innovate legislative work, improve the legislative system and procedures, improve the quality of legislation, and give full play to the leading and promoting role of legislation in economic and social development.

To guarantee the quality of newly enacted laws, the NPC or its standing committee demands at least three rounds of deliberation before a draft law could be adopted, i.e., "the triple deliberation system." In the first round of deliberation, the NPC deputies listen to the proposers' explanations and conduct preliminary deliberations; in the second round of deliberation, deputies mainly deliberate on legal priorities, difficulties, and disagreement; in the third round of deliberation, the special committees issue the reports on deliberation results and carry out re-deliberations on the revised drafts. If a law is successfully adopted in the third round of deliberation, it will be submitted for voting. Legislation innovation aims to promote scientific and democratic lawmaking. For example, the NPC has improved the mechanism for publishing draft laws. All draft laws that have been deliberated by the NPC Standing Committee are published on the Internet. Important draft laws are published on the main news media, experts and scholars are invited to participate in the legislative work, and public opinions are widely solicited. This makes it easier for the people to participate in lawmaking, and the laws enacted are in the interests of the people and more scientific and effective. According to statistics, from 2007 to the beginning of 2013, the NPC published 48 draft laws, and more than 300,000 people submitted more than 1 million pieces of opinions. In addition, in order to better evaluate the effect of legislation, the NPC has also established a set of evaluation work mechanisms to make objective evaluation on the scientificness and operability of the laws that have been enacted through questionnaires, field research, case analysis, and other forms so as to facilitate future revision of the laws or enact new laws.

In the future, we must adhere to good and innovative practices in legislation, continue to explore new and innovative contents, and promote the further scientific and democratic legislative work of the people's congresses.

5.4 Strengthening and Improving Supervision Work

In his speech at the gathering marking the 60th anniversary of the founding of the NPC, General Secretary Xi Jinping pointed out: "the important principle behind the system of people's congresses and the basic requirement of its institutional design are to subject the exercise of power by all state organs and their employees to constraints

and oversight." After more than 30 years of reform and opening-up, the people's congresses at various levels, especially local people's congresses, have made innovative explorations in law enforcement examination, deliberation on work reports, case supervision, financial budgeting, and law enforcement supervision and have also promoted the work of the people's governments, the people's courts, and the people's procuratorates. In 2006, the *Law of the People's Republic of China on the Supervision of Standing Committees of People's Congresses at Various Levels* was adopted, which provided a basis for the institutionalization and standardization of the supervision power. In practice, the people's congresses' supervision over the governments, the courts, and the procuratorates has been continuously strengthened. According to incomplete statistics, from 2000 to 2009, the people's congresses at various levels have vetoed more than 20 government work reports.[12]

[12] Yang Zhanghuai & Liu Chunrui, "The Veto of Many Cases by the Standing Committee of Local People's Congresses Highlights Democratic Progress," *Southern Metropolis Daily*, October 23, 2009.

Chapter 4
The Relationship Between the Central and Local Authorities in China

Caihong Sun

The relationship between the central and local authorities is one of the basic relationships in the state structure. It is one of the important contents of a political system and a real political issue that exists in almost any country and needs to be handled properly. Tocqueville once said: "However enlightened and skillful a central power may be, it cannot of itself embrace all the details of the life of a great nation." Thus it can be seen that the vertical allocation of power between the central and local authorities of a country has great practical significance.

As a large country with a vast territory and complicated national conditions, China's relationship between the central and local authorities is one of the political relationships of greater significance. The rise and decline of many feudal dynasties in Chinese history was almost always related to the handling of the relationship between the central and local authorities. The status of the relationship between the central and local authorities fundamentally affects national unity, political stability, economic development, social progress, and sustainable development of national capability.

With rapid development of China's economy, improvement of the socialist market economic system, and advancement of political reforms, the issue concerning the relationship between the central and local authorities, especially its future development trend, is much more striking. Especially in the process of realizing the goal of building a well-off society in an all-round way and in the critical period that "socialism with Chinese characteristics has entered a new era," it is of great practical significance to re-examine the relationship between the central and local authorities and to seek solutions to problems. Especially for a large country like China, the proper handling of the relationship between the central and local authorities is a very challenging systematic project.

C. Sun (✉)
Beijing, China
e-mail: sunch@cass.org.cn

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1 Characteristics and Development of the Relationship Between the Central and Local Authorities

The system of relationship between the central and local authorities, like other political and economic systems, is constantly adjusting and changing and has different forms of expression in different countries and in different historical periods of a country. But in essence, it is the vertical division of state power between the central and local authorities. How to divide the power between the central and local authorities in a country and what is the scope of their respective powers is not only an important practical issue in a country's political system, but also an important theoretical issue of great concern to different disciplines including politics, science of law, economics, etc.

1.1 Forms and Characteristics of the Relationship Between the Central and Local Authorities

Based on the reality of various countries in the world today, the division of power between the central and local authorities is reflected in the state structure, mainly including two forms: federal and unitary systems. The greatest difference between these two forms is that under the federal system, the federal (central) government and the state government have their respective constitutions or laws, while under the unitary system, there is only one national constitution, and the power of local governments is granted and regulated by the central government. From the perspective of the current systems practiced in various countries, the United States, Australia, India, Germany, Russia, and some other countries practice federalism. Even in countries with federalism, the specific patterns of the relationship between the central and local authorities are different, some prefer decentralized federalism while some prefer centralized federalism. There are more countries that practice unitary system, such as the United Kingdom, France, Japan, Italy, Hungary, and Norway. In all these countries with unitary systems, the relationship between the central and local authorities also shows different specific patterns depending on the degree of centralization and decentralization. Some prefer a centralized unitary system, such as France, while some prefer a decentralized unitary system, such as the United Kingdom, Sweden, and Italy. Therefore, the form of state structure of a country, no matter how the power is divided between the central and local governments, embraces the two basic elements of centralization and decentralization, no form of state structure is superior to others, and all are the products of historical development and actual needs of various countries.

As far as the form of state structure, China practices a unitary system in which the central government uniformly exercises state sovereignty and grants executive power to local governments. This is mainly determined by the system of the people's congresses of China, and the power of state organs comes from the people. The

special administrative regions also operate under the framework of a unified national constitution, the NPC system and a unitary state structure, and enjoy a high degree of autonomy; the ethnic autonomous regions also operate under the premise of the basic national system and basic laws, and enjoy statutory autonomy. Like other countries, China's relationship between the central and local authorities has, without exception, the elements of centralization and decentralization.

As far as the "centralization" element is concerned, the basic characteristics of China's relationship between the central and local authorities follow: in inherent essence, there is only one unified constitution, namely the *Constitution of the People's Republic of China*, as the fundamental law of the country, and all powers of the central and local authorities must be exercised within the scope of the Constitution. "All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution or the law must be investigated." (Article 5 of the *Constitution of the People's Republic of China*). The central government has the supreme state power, the power of local governments is granted and regulated by the central government, and local governments accept the unified leadership of the central government. From the perspective of concrete form of manifestation and practice, a unitary system also covers the relationship between the central government and the ethnic autonomous regions and the relationship between the central government and the Hong Kong and Macao Special Administrative Regions, and these two relationships are also fundamentally regulated by the Chinese Constitution. Therefore, on the whole, China's relationship between the central and local authorities is a unitary structural relationship, supplemented by "One Country, Two Systems" for Hong Kong and Macao Special Administrative Regions.

As far as the "decentralization" element is concerned, the relationship between the central authorities and the local authorities (limited to provincial authorities here) in China mainly covers the division of legislative, administrative, personnel, and financial powers between the two. The fundamental principle for the division of power between the central and local authorities is stipulated by the Chinese Constitution. Article 3 of the current Constitution of the People's Republic of China stipulates: "The state organs of the People's Republic of China apply the principle of democratic centralism." "The division of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities." The *Organic Law of the Local People's Congresses and Local People's Governments of the PRC* also sets the basic requirements on the scope of power and organic principles of local governments.

As far as the personnel and financial relationships are concerned, local governments are led and supervised by the central government. In terms of personnel relationship, the central government has the power to approve the appointment of senior officials of local governments, especially the secretaries of provincial Party committees. The local senior officials appointed by the central government are responsible to the central government. This is a very effective mode for the central government to exercise leadership over local governments and an important political means to

safeguard national unity and sovereign independence. Such power for the management of the provincial-level leading officials has led to the dependence of local senior officials on the central government and ensures their support and obedience to the central government's policies, thus ensuring the centralized and unified leadership of the central government. In terms of fiscal relationship, local governments are under certain control by the central government. In the relationship between the central and local authorities in most countries, the central government's fiscal control and supervision over the local governments are an effective tool for the central government to exercise control over the local governments. In China, the central government has a dominant position in the fiscal relationship. The local governments are dependent on the central government to some extent financially; the central government imposes restrictions, supervision and auditing on local budgets, fiscal revenues, and expenditures, which are important means to ensure that local governments implement central government's decrees and to coordinate and balance economic and social development throughout the country.

1.2 Main Development Processes of the Relationship Between the Central and Local Authorities

Based on the analysis of the development processes of the relationship between the central and local authorities since the founding the People's Republic of China, the relationship between the two also covers a changing relationship between the two elements of centralization and decentralization. Since 1949, the evolution and development of the relationship between the central and local authorities has mainly experienced the following four stages.

1.2.1 1949–1978: Establishing a Unitary State Structure Form and a Centralized System and Experiencing a Cycle of Power Centralization and Decentralization

The Common Program of the CPPCC adopted at the 1st Plenary Session of the CPPCC on September 29, 1949, had the nature of an interim constitution in the early years of the founding of the People's Republic of China. According to the relevant provisions of the *Common Program*, military control was first exercised in the newly liberated areas and then practiced in formal local governments when conditions permitted. To this end, the six greater regions of East China, Northeast China, North China, Northwest China, Central South China, and Southwest China were established between the central authorities and the provincial regions. That is, the six major administrative regions were established as the first-level regions above the provincial level. As a first-level organization of political power, the greater regions enjoy certain legislative and executive power and the power of appointment or

removal of personnel. The *Common Program* also stipulates: "The jurisdiction of the Central People's Government and the local People's Governments shall be defined according to the nature of the various matters involved, and shall be prescribed by decrees of the Central People's Government Council so as to satisfy the requirements of both national unity and local expediency." As the implementation of the Greater Administrative Area System weakened the central power, it was canceled in June 1954, and the central government directly administered the provinces, municipalities directly under the central government, and autonomous regions, thus formally forming a highly centralized system.

In 1954, the first *Constitution of the People's Republic of China* defined the relationship between the central and local authorities. The relevant contents include the following: the country is divided into provinces, autonomous regions, and municipalities directly under the central government; the National People's Congress of the People's Republic of China is the highest organ of state power and the only organ that exercises the legislative power of the state; "The local people's committees at all levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it." These provisions clarify the nature of the unitary state structure form of China.

After the First Five-Year Plan was fulfilled ahead of schedule, in order to further enhance the enthusiasm and autonomy of local economic development, the central government delegated powers to lower levels. In 1956, Mao Zedong made a speech entitled *On the Ten Major Relationships*, which gave the principled guiding ideology for handling the relationship between the central and local authorities and emphasized the necessity to enlarge the powers of the local authorities appropriately to arouse their enthusiasm of economic development. In 1959–1965, power adjustments were made to gradually grant the central government greater power to control financial resources. From 1966 to 1976, power was devolved, and the regional power was enlarged again. In 1977 and 1978, the central government adopted a series of important political and economic policies to restore political and economic order, appropriately centralized the economic administration authority, including powers in railways, civil aviation, post and telecommunications, fiscal revenue, enterprises and other related areas, and corrected the distorted relationship between the central and local authorities.

The above development process shows that in the past nearly 30 years after the founding of the PRC, the central government had no ready-made model and sufficient practical experience in properly handling the relationship between the central and local authorities, and it was difficult to strike a balance between the two. Coupled with the human factors in central and local power division, some randomness and instability exist, so some tortuous experiences can hardly be avoided.

1.2.2 1979–1992: New Contents and New Explorations of the Relationship Between the Central and Local Authorities in the Early Years of Reform and Opening-up, and a Highly Centralized System Was Changed

In December 1978, the 11th CPC Central Committee held its 3rd Plenary Session in Beijing, marking the prelude to the reform and opening-up policy, and China entered a new stage of economic and social development. In order to improve socialist productivity and people's living standards, China started to reform its economic system and political system. With regard to the relationship between the central and local authorities, these reforms have mainly made new explorations in enlarging local governments' autonomy.

The new constitution adopted in 1982 adds some new contents regarding the relationship between the central and local authorities, including the principle for division of functions and powers between the central and local state organs. Article 3 states: "The division of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities." Article 89 also stipulates that "The State Council exercises unified leadership over the work of local organs of state administration at various levels throughout the country, and formulates the detailed division of functions and powers between the central government and the organs of state administration of provinces, autonomous regions, and municipalities directly under the central government." Meanwhile, the *Organic Law of the Local People's Congresses and Local People's Governments of the PRC*, which was amended and adopted in 1982, has enumerated the functions and powers that can be exercised by local organs of state power and local administrative organs at various levels and enlarged some powers of the local authorities. This provides a clear constitutional and legal basis for reforming the highly centralized power system and devolving powers to the regions.

After the reform and opening-up policy was adopted, China started its economic reform which focused on transforming the highly centralized planned economy. In 1992, China publicly stated that its goal was to build a socialist market economy with Chinese characteristics. In this historic period, the changes in the fiscal and economic relationships between the central and local authorities mainly involved delegating the economic management power to lower levels, reforming the fiscal system, enlarging the decision-making powers of enterprises, and maximally stimulating the vitality and impetus of development of local economy and enterprises. These were also the main lines for making new explorations on the relationship between the central and local authorities. The reform of the fiscal system is an important breakthrough for reforming the highly centralized power system and devolving powers to the regions. In February 1980, the State Council adopted the *Interim Regulations on the Implementation of Fiscal System with Division of Revenue and Expenditure between the Central and Local Governments and with Contracts at Different Levels*, which focuses on clear division of the scope of fiscal revenue and

expenditure between the central and local governments. Thus, the previous practice of state-monopolized revenue and expenditure was broken and the fiscal system characterized by "serving meals to different diners from different pots" was initiated, arousing the enthusiasm of the localities in economic development and income increase. In order to implement the *Decision of the CPC Central Committee on the Reform of the Economic System* adopted at the 3rd Plenary Session of the 12th CPC Central Committee in October 1984, the State Council began to implement the financial management system characterized by "separate categories of taxes, designated scope of revenues and expenditures, and responsibility contracts at various levels" in 1985. In the years that followed, the central and local authorities implemented different financial management models in accordance with the principle of "responsibility contracts at different levels." As an important part of the reform of the economic system, this financial management system has better realized the principle of combining responsibilities and rights, further mobilized the enthusiasm of the central and local governments, especially the enthusiasm and initiative of local governments to develop the economy, and greatly enlarged the financial power of local governments.

During this period, local governments were granted not only greater economic power but also greater legislative power. In December 1982, the 5th Session of the 5th NPC amended the Constitution and added new provisions on the division of legislative power between the central and local authorities. Article 100 stipulates: "The people's congresses of provinces and municipalities directly under the central government and their standing committees may adopt local regulations, which must not contravene the Constitution and the law and administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record." Meanwhile, the *Law of the People's Republic of China on Regional Ethnic Autonomy* adopted in 1984 has enlarged the legislative power of the autonomous regions, which stipulates: "The people's congresses of national autonomous areas shall have the power to enact regulations on the exercise of autonomy and separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect." The *Organic Law of the Local People's Congresses and Local People's Governments of the PRC* amended in 1982 has also added the legislative power of local governments, which stipulates that "The people's congresses of cities where the provincial and autonomous regional people's governments are located and the people's congresses of relatively large cities with the approval of the State Council may formulate rules in accordance with laws, administrative rules and regulations as well as the local regulations of the province or autonomous regions." Through the Constitution and these laws, the legislative system for division of power between the central and local authorities was established.

There was also an important change in the relationship between the central and local authorities during this period. That is, the central authorities appropriately

devolved and enlarged the power of official management to the local authorities. In October 1983, the Organization Department of the CPC Central Committee issued the *Provisions on Several Issues Concerning the Reform of the Official Management System*, which proposed to reform the official management system in accordance with the spirit of "managing less, managing flexibly and managing better", and the principle of "managing by departments and levels." In 1984, the CPC decided that Party committees at various levels should appropriately devolve the power of official management to lower levels, and the previous two-level-below management was replaced by one-level-below management. That is, the central government is responsible for the management of leading officials of central state organs (ministries and commissions), provinces (autonomous regions and municipalities directly under the central government), some large cities, and state-owned enterprises; the party committees of provinces (autonomous regions and municipalities directly under the central government) are responsible for the management of leading officials of provincial-level organs and the prefectures and cities under their jurisdiction.

New explorations had been made on the relationship between the central and local authorities during this period, and the highly centralized and unified unitary relationship was broken, which has increasingly enhanced the autonomy and enthusiasm of local development.

1.2.3 1993–2001: Further Reform and Adjustment of the Relationship Between the Central and Local Authorities After the Reform of the Tax-Sharing System

In 1992, the central government proposed the goal of establishing a system of socialist market economy and establishing socialist democratic politics, which has further promoted the reform and adjustment of the relationship between the central and local authorities.

An important manifestation of further reforming the relationship between the central and local authorities at this stage was the implementation of the tax-sharing system, which has rationally divided the power of economic and financial management between the central and local authorities. As the fiscal responsibility system launched in the 1980s had weakened the financial power of the central government while strengthening the financial power of local governments, the fiscal deficits remained high. Under various pressures, the tax-sharing system was officially launched in January 1994, and the reform of the fiscal and taxation systems was actively promoted. On the basis of the division of administrative power between the central and local authorities, tax categories were divided scientifically, including central tax, local tax, and shared tax; the ratio of central fiscal revenue to local fiscal revenue was determined reasonably; based on the principles of unifying the tax law, fairing the tax burden, simplifying the tax system, and dividing the tax power reasonably, the taxation system had been constantly reformed and improved. The implementation of the tax-sharing system as a basic system that defined the relationship between the economic and financial relationships between the central and local

authorities marks a more institutionalized and standardized relationship between the central and local authorities. Due to the implementation of the tax-sharing system, the proportion of central government's fiscal revenue increased, and its fiscal allocation capacity was enhanced, and it has also spurred the enthusiasm of local governments to increase fiscal revenue. Moreover, in the report to the 14th CPC National Congress in 1992, it was also required to "promote the rational distribution and healthy development of the regional economy under the guidance of the unified national planning in the light of local conditions and in accordance with a rational division of labor, with all the regions exploiting their own particular advantages for mutual benefit and development." This is also an important manifestation of effectively mobilizing the enthusiasm of the central and local authorities on the premise that the central authority is safeguarded.

The second important manifestation is the changes in division of administrative areas between the central and local authorities, and Chongqing City was added to the list of municipalities directly under the central government. In March 1997, the 5th Session of the 8th NPC adopted the decision to establish Chongqing as a municipality directly under the central government. Up to then, four municipalities directly under the central government had been established. This has not only changed the relationship between the central government and Sichuan Province, but also changed the relationship between Sichuan Province and Chongqing City. In view of Chongqing's history, economy, and geographical location, the reform to upgrade Chongqing to a municipality directly under the central government is a partial adjustment of the relationship between the central and local authorities, which is conducive to the economic and social development of the western regions of China.

The third important manifestation is the changes in the division of legislative powers between the central and local authorities. In March 2000, the 3rd Session of the 9th NPC adopted the *Legislation Law of the People's Republic of China*, which clearly defines the legislative powers and legislative procedures of the central and local authorities. The implementation of the *Legislation Law* provides another important legal basis for the adjustment of the relationship between the central and local authorities.

1.2.4 From 2002 to Present: Reforming the Relationship Between the Central and Local Authorities Based on the Principle of Balanced Development Between the Two

Since the 16th CPC National Congress, on the premise of adhering to the strategic thinking of scientific outlook on development, the relationship between the central and local authorities has been further reformed and optimized.

In 2003, the 3rd Plenary Session of the 16th CPC Central Committee adopted the *Decision of the CPC on Several Issues Concerning the Improvement of the Socialist Market Economic System*, which clearly requires that the functions and powers should be divided scientifically and rationally between the central and local authorities. It stipulates that "The powers and responsibilities for management of social affairs

shall be divided reasonably between the central and local authorities. The powers and responsibilities for management of economic regulation, market supervision, social management, and public services shall be defined based on the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities." This has also become an important principle and requirement for reforming the relationship between the central and local authorities since the 16th CPC National Congress.

The division of administrative licensing power between the central and local authorities was regulated by the *Administrative License Law of the People's Republic of China*, which was implemented in July 2004. In principle, only the NPC and its Standing Committee may establish administrative licenses. The people's congresses and their standing committees and the people's governments of provinces (autonomous regions and municipalities directly under the central government), and relatively large cities may establish administrative licenses according to the legal conditions. The law has also specified the conditions for local governments to establish administrative licenses and the matters for which administrative licenses should not be instituted. The division of administrative licensing powers between the central and local authorities is conducive to the development of a unified national market economy.

With regard to the fiscal relationship between the central and local authorities, the fiscal management system of "public finance of counties directly governed by provinces" was launched on a trial basis. In June 2009, the Ministry of Finance issued the *Opinions of the Ministry of Finance on Boosting the Reform of Public Finance of Counties Directly Governed by Provinces*, which clearly defines the overall objectives and main contents for the fiscal system reform of "public finance of counties directly governed by provinces." This has played a positive role in promoting the fiscal distribution relationship between local governments at different levels below the province.

Another change in the relationship between the central and local authorities in the past decade is that the central authorities have strengthened the coordinated and balanced regional development. In 2003, the State Council issued *Opinions of the State Council on Further Implementing the Strategy of Revitalizing the Old Industrial Bases Including Northeast China.* In April 2006, the CPC Central Committee and the State Council began to implement the *Opinions on Promoting the Rise of Central China.* In 2008, the central authorities implemented *Guiding Opinions of the State Council of the People's Republic of China, on Further Pushing Forward the Reform, Opening-up and Economic and Social Development of the Yangtze River Delta Areas.* In 2009, the State Council issued the *Opinions on Further Implementing the Strategy of Developing Western China.* All these measures aim to form a regional coordinated development pattern to promote the interaction and realize the mutual development among eastern, Central, and Western China, and better promote the harmonious development of the relationship between the central and local authorities.

Since the 18th CPC National Congress, the central government has further optimized and adjusted the relationship between the central and local authorities in accordance with the new situation of economic and social development, new tasks,

new requirements, and new challenges in the relationship between the central and local authorities in a bid to give full play to the enthusiasm and initiative of local governments. For example, the State Council has deepened the reform of streamlining administration and delegating powers, further canceled and devolved administrative examination and approval authority, supported and promoted the reform trials in different regions, and gave local governments more decision-making power to promote the country's overall sustainable development under the complicated international situation.

2 The Unity and Flexible Operation of the Relationship Between the Central and Local Authorities

Based on the principles of macro design of the relationship and power division between the central and local authorities in China, how does the relationship between the central and local authorities (mainly limited to provincial-level local governments) work in practice in terms of specific political processes? Or, what specific operation mechanisms are employed to guarantee the authority of the central government while ensuring that local enthusiasm is fully mobilized? Generally speaking, we should not only put in place a framework and uniform legal norms, but also reserve a lot of free choice space for the two so as to realize the organic combination of unity and flexibility. This important feature is mainly explained through the legislative, personnel, financial, and administrative relationships between the central and local authorities as follows.

2.1 Legislative Relationship Between the Central and Local Authorities and Its Operation

The division of law-making power between the central and local authorities is determined by the basic laws of China such as the *Constitution* and the *Legislation Law*.

Article 5 of the Constitution stipulates: "The state upholds the uniformity and dignity of the socialist legal system. No laws or administrative or local rules and regulations may contravene the Constitution" Therefore, the legislative power and legislative acts of local governments are strictly regulated and restricted by laws.

In terms of division of specific law-making power, the NPC, as China's legislature, has the supreme legislative power of the state. Article 57 of the Constitution stipulates that "The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress." Article 58 stipulates that: "The National People's Congress and its Standing Committee exercise the legislative power of the state."

Under the Constitution, the NPC has the power to amend the Constitution, supervise the enforcement of the Constitution, and enact and amend basic laws governing criminal offences, civil affairs, the state organs, and other matters. Moreover, the Standing Committee of the National People's Congress has the power to supervise the legislative work of local legislatures. Article 67 of the Constitution stipulates: the Standing Committee of the National People's Congress has the power "to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions, and municipalities directly under the central government that contravene the Constitution, the law or the administrative rules and regulations."

According to the *Legislation Law*, the central and local state organs have their respective legislative powers. The law has also clearly divided and specified the scope and hierarchy of legislation (laws, administrative regulations, local regulations, regulations on the exercise of autonomy, separate regulations, rules, etc.), and specified the procedures for legislation at various levels. In 2015, the 12th NPC amended the *Legislation Law* and added new provisions on local legislative power.

Locally, the legislative power is divided level by level. The organs of power of provinces and relatively large cities with the approval of the State Council have the power to formulate local regulations. Article 72 of the *Legislation Law* stipulates that: "The people's congress and its standing committee of a province, autonomous region or municipalities directly under the central government may, according to the specific circumstances and actual needs of the administrative region, develop local regulations, provided that such regulations do not contravene the Constitution, laws and administrative regulations." It also specifies the legislative powers of the municipal people's congresses below the provincial level. The local legislative power was further enlarged by the *Legislation Law* newly amended in 2015. For example, Article 72 stipulates that the people's congresses of cities divided into districts and their standing committees may "develop local regulations on matters related to urban and rural construction and management, environmental protection, historical and cultural protection, etc." For local administrative organs, the scope of their legislative power is limited to the formulation of local government rules. Article 82 of the *Legislation Law* stipulates that: "The people's government of a province, autonomous region, and municipality directly under the central government, a districted city, or an autonomous prefecture may develop rules in accordance with laws, administrative regulations, and the local regulations of the province, autonomous region, or municipality." Moreover, the legal provisions on annulment, alteration, filing, review, and application of laws have become an important basis for the division of legislative powers between the central and local authorities.

2.2 Local Personnel Management System and Its Operation

The principal officials of local governments, especially secretaries of Party committees of provinces (autonomous regions and municipalities directly under the central government, the same below) are approved by the CPC Central Committee. Their

promotion, transfer, retention or demotion, scrutiny, and punishment are all managed by the CPC Central Committee to ensure that local governments' effective implementation of the policies of the central government and guarantee stable local development. It is noteworthy that behind the form of appointment or removal of leading officials at provincial level by the central government is the fundamental legal basis that "All power in the People's Republic of China belongs to the people." Two steps of power delegation are involved here. Local people's congresses at and below the county level delegate their powers to deputies of the people's congresses within their respective jurisdictions through elections, and then deputies to local people's congress at and above the county level delegate their powers to public servants through elections. This fundamentally guarantees that the state power comes from the people.

The following paragraphs describe the personnel relationship between the central and local authorities from the perspective of the methods and procedures for election and appointment of secretaries of provincial Party committee and governors.

The election and appointment of secretary and deputy secretary of a provincial Party committee should be finally approved by the CPC Central Committee. This process is also an embodiment of the CPC Central Committee's practice of democratic centralism as the fundamental organizational principle and system. Article 27 of the *Constitution of the CPC* stipulates: "Local Party committees at every level shall, at their plenary sessions, elect standing committees, secretaries, and deputy secretaries, and report to the next higher level Party committee for approval." Party committees at the provincial level should, at their plenary sessions, elect secretaries of Party Committees at the corresponding level and report to the CPC Central Committee for approval. Party congresses at the provincial level should be held, and lists of candidates should be formed by democratic recommendation and after full discussions, repeated deliberation by Party organizations and voters and widely seeking opinions from all sides. Party committees at the provincial level should be elected by Party congresses at the corresponding level. Then, Party committees at the provincial level, at their plenary sessions, elect standing committees, secretaries, and deputy secretaries at the corresponding level and finally, report to the CPC Central Committee for approval.

The power for management of officials and personnel is devolved, and two-level-below management is replaced by one-level-below management. That is, the CPC Central Committee is responsible for the management of leading officials of central state organs and those at the provincial level, while the provincial Party committees are responsible for the management of leading officials of provincial organs and prefectures and cities under their jurisdiction. For example, the CPC Central Committee approves the appointment of secretaries and deputy secretaries of provincial Party committees; provincial Party committees decide on secretaries and deputy secretaries of the Party committees of prefecture-level cities under their jurisdiction.

With regard to election and appointment of governors, in accordance with the *Organic Law of the Local People's Congresses and Local People's Governments*

of the PRC, governors should be elected at the people's congresses at the provincial level. Articles 21 to 25 of the law specify the election methods and procedures. According to the proposals or suggestions of the personnel department of the Organization Department of the CPC Central Committee, governors (chairmen of autonomous regions or mayors of municipalities directly under the central government) should be jointly nominated by the presidium or deputies to the people's congresses at the provincial level according to the law; when more than one candidate is nominated, multicandidate election (the method of nominating a greater number of candidates than the number of persons to be elected) should be adopted. When only one candidate is nominated, single-candidate election can also be adopted. Elections shall be held by secret ballot.

When the provincial people's congress is not in session, the choice of governor and the appointment of a person to act on his behalf should be decided by the standing committee of the people's congress at the corresponding level. Article 44 of the *Organic Law of the Local People's Congresses and Local People's Governments of the PRC* stipulates: "to decide, when its people's congress is not in session, on the appointment or removal of individual deputy governors, vice-chairmen of the autonomous region, deputy mayors, deputy prefects and deputy heads of the county or district; when, for any reason, the governor, chairman of the autonomous region, mayor, prefect, or head of the county or district, president of the people's court or chief procurator of the people's procuratorate is unable to perform his duties, to choose a person from among the deputy heads of the people's government, people's court or people's procuratorate at the corresponding level to act on his behalf."

Senior local officials are appointed by the central government, which helps to coordinate the overall development of China. First, we must give top priority to the political quality of officials, or in other words, officials must be "politically reliable." We must uphold the principle that they must have both political integrity and ability, with priority given to political integrity. Local senior officials must bear in mind the overall interests of our Party and state, have keen political insight and sensitivity and always maintain a high degree of consistency with the CPC Central Committee. Second, officials must always take hold of the overall situation and have a nationwide vision. The selection of officials from those who have ever worked in several provinces is conducive to eliminating local protectionism and coordinating all the activities of the nation like pieces in a chess game. Third, we must bear in mind the requirements of the times and form a rational structure of officials. Based on the analysis of the basic situation of the Party and government leaders in 31 provinces and municipalities that were adjusted after the National People's Congress in 2013, "the post-50s generation" accounted for 85.5% of the total, among whom 60% were born during 1953–1957; and the proportion of "the post-60s generation" rose to 12.9%.[1] Meanwhile, this structural arrangement is also conducive to political stability in the country.

[1] "Top Leaders of 31 Provinces Are Appointed: the Average Age Was 0.5 Year Lower Than 10 Years Ago," People's Daily Online (http://leaders.people.com.cn/n/2013/0412/c58278-21109755.html), April 12, 2013.

Since the reform and opening-up, the members of the Politburo and it's the Standing Committee have been mostly elected from provincial Party secretaries. This has almost become a regular consensus. Provincial Party secretaries have an extremely important position in China's political system. "During 1978–2005, one third of provincial Party secretaries and governors were transferred to be leaders of the central authorities; and the proportion of those transferred to be leaders of the central authorities is showing an upward trend and has greatly increased from about 20% in the 1980s to about 35% at present."[2] Taking the members of the Politburo and its Standing Committee elected at the 1st Plenary Session of the 17th CPC Central Committee as an example, 8 of the 9 members of the Politburo Standing Committee were former provincial Party secretaries, accounting for nearly 89%. Of the 25 Politburo members elected at that time, 17 were former provincial Party secretaries, accounting for 68%. Not all the central leaders who were promoted from provincial Party secretaries have good economic performance, but their appointments are the results of comprehensive considerations. Taking the structure of the core leadership of the 18th Politburo of the CPC as an example, 6 of the 7 members of the Politburo Standing Committee have ever served as provincial Party secretaries, accounting for nearly 86%, and most of them have served as provincial Party secretaries of at least two provinces. Of the 25 Politburo members, 19 have ever served and are serving as Party secretaries of (provinces, municipalities, and autonomous regions), accounting for 76%, showing that this ratio is rising (Figs. 1 and 2).

Based on the basic information on the Party and government leaders in 31 provinces and municipalities directly under the central government that had been appointed in 2013, we can also judge the central government's overall policy for provincial-level senior officials, and these provincial Party and government leaders have rich experience in local political leadership and administration, so they can better assume the role of bridges and ties connecting the central and local governments, and at the same time the development of local characteristics while implementing the will and the fundamental policies of the central government and guide the localities to achieve distinctive development.

The central government's constraints on provincial-level senior officials are mainly constraints by their political responsibilities. In the Chinese political power system, the secretary of a provincial Party committee is the highest leader and the first responsible person of a locality. This is an important embodiment of the correspondence between power and responsibility. Moreover, the central governments' supervision over secretaries of provincial Party committees in anti-corruption is also strengthened. The *12th Five-Year Audit Work Development Plan* promulgated by the National Audit Office stated that "we are exploring concurrent audit of economic responsibilities of principal leading Party and government officials (autonomous regions, municipalities directly under the Central Government) during their term of office on the basis of pilot audit of the economic responsibilities of the leading Party

[2]Wang Xianbin et al., "Sources, Whereabouts and Tenures of Local Officials and Economic Growth", *Management World*, Issue. 3, 2008.

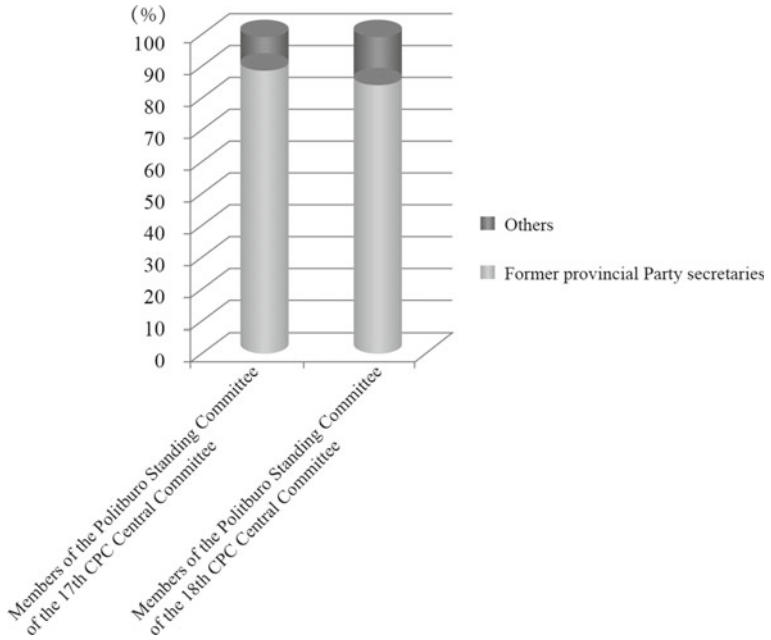

Fig. 1 Proportion of former provincial Party secretaries in the members of the Politbuto Standing Committee who have served for two terms

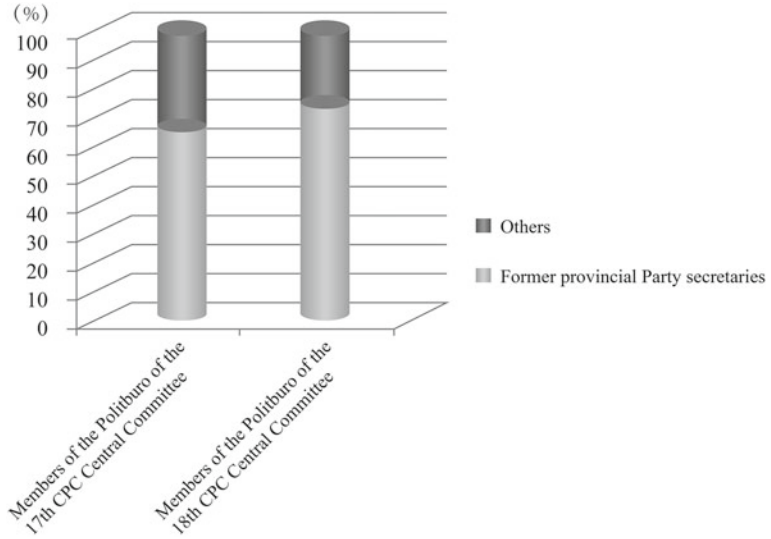

Fig. 2 Proportion of former provincial Party secretaries in the members of the Politbuto who have served for two terms

and government leaders in the sub-provincial cities."[3] In 2014, the Central Commission for Discipline Inspection, the Department of Audit, and some other departments jointly issued the *Detailed Rules for the Implementation of the Economic Responsibility Auditing Rules for Leading Cadres and Party Leaders of State-Owned Enterprises*, which specifies detailed requirements for audit of economic responsibilities of local Party and government officials. This is to strengthen supervision and strain on provincial power from a higher level.

2.3 The System for Local Financial Management by the Central Authorities and Its Operation

In terms of the economic and fiscal relationship between the central and local authorities, powers have been gradually devolved to lower levels since the reform and opening-up to give local authorities greater economic independence and give full rein to their initiative.

Article 15 of the Constitution stipulates: "The state practices socialist market economy." "The state strengthens economic legislation and improves macro-regulation and control." Therefore, the central authorities are granted the power of macroeconomic regulation and control in order to improve the socialist market economic system with Chinese characteristics. Meanwhile, the central authorities have continuously devolved economic power to local authorities and adopted a series of institutionalized measures to give greater play to the enthusiasm and initiative of local authorities. The most important manifestation is the transformation and operation of the financial relationship between the central and local authorities.

From the founding of the PRC to the beginning of reform and opening-up, the fiscal system characterized by state-monopolized revenue and expenditure was basically implemented. From the beginning of the 1980s to 1993, the fiscal system with the division of revenue and expenditure between the central and local governments and with contracts at different levels was practiced. Due to this kind of fiscal system that suited the planned economic system, the ratio of the central government's revenue to the national fiscal revenue was declining. In 1993, the ratio of the central government's fiscal revenue to local governments' fiscal revenue decreased to 22:78, signifying a weakened macro-control ability and foundation of the central government. Therefore, this fiscal responsibility system must be further reformed (Table 1).

In 1993, the State Council issued the *Decision on Implementing the Tax Sharing Fiscal Administration System.* Based on China's national conditions and international experiences, the scopes of fiscal revenue and expenditure of the central and local governments are divided according to the basic principles of the socialist market

[3] *The 12th Five-Year Audit Work Development Plan of the National Audit Office*, website of the National Audit Office of the PRC (http://www.audit.gov.cn/n1992130/n1992150/n1992379/).

Table 1 Basic framework for the division of central and local fiscal revenues under the tax-sharing system

Fixed revenue of the central government	Tariff, consumption taxes, and VAT levied by the customs office on behalf of the tax authorities, consumption tax, revenue from the Ministry of Railways, head offices of banks, head offices of insurance companies (including business tax, profits and urban maintenance, and construct tax), which are handed over to the government in a centralized way, securities transaction stamp tax, income tax of central enterprises not included in the scope of shared tax, profits handed over by central enterprises, etc.
Shared revenue of the central and local governments	VAT revenues are shared by the central and local governments as per the proportion of 75% and 25%; the corporate income tax and personal income tax included in the scope of shared tax are shared by the central and local governments as per the proportion of 60% and 40%; resource taxes are divided according to different resource categories, offshore petroleum resource tax falls into the revenue of the central government, and other resource taxes fall into the revenue of local governments
Fixed revenue of local governments	Business tax (excluding the business tax handed over by the Ministry of Railway, head offices of banks, and head offices of insurance companies), profits handed over by local enterprises, urban land use tax, urban maintenance and construction tax (excluding the part handed over by the Ministry of Railways, head offices of banks, and head offices of insurance companies), house property tax, vehicle and vessel licence use tax, stamp tax, tax on till-land occupation, deed tax, heritage tax and gift tax, tobacco leaf tax, land VAT, revenue from paid use of state-owned land, etc.

Source The website of the Ministry of Finance of the PRC

economy, and a fiscal transfer payment system is established to form a relatively standardized intergovernmental fiscal relationship framework. The tax-sharing system launched in 1994 was a major institutional innovation in the history of transformation of fiscal relationship between the central and local authorities, and it was a reform to meet the requirements of the socialist market economy. A major historical progress of this reform is to re-adjust the fiscal revenue distribution pattern between the central and local governments and to make such division standard, scientific, and institutionalized. Under the premise of ensuring the central government's fiscal revenue and appropriately increasing the central governments' financial resources, the reform of this fiscal operation system has more effectively maintained the local financial autonomy and played a positive role in balancing the fiscal revenues between the central and local governments. Since then, the tax system has been continuously adjusted and improved. For example, the proportion of income tax revenue shared

by the central and local authorities was reformed and adjusted, a new mechanism for the central and local governments to jointly undertake export tax rebates was established, and a suitable incentive mechanism was established for local governments, especially provincial-level officials, to develop the local economy, greatly promoting the enthusiasm and initiative of all localities to develop the economy through innovation.

In the division of administrative powers and functions between the central and local authorities, the administrative powers and expenditure responsibilities between the central and local authorities are determined based on the division of fiscal revenue between the central and local authorities to urge the governments to better perform their functions and better serve people's livelihood needs.

In order to meet the requirements for establishing a sound modern financial system, modernizing China's system and capacity for governance, and better fulfilling government functions, China has further reformed and straightened out the division of administrative powers and expenditure responsibilities between the central and local governments. In 2016, the State Council issued the *Guideline of the State Council on Advancing the Reform of the Division of Financial Powers and Expenditure Responsibilities between the Central and the Local Governments*, which has specified three main principles for the division of financial powers: first, to moderately reinforce the financial powers of the central government; second, to ensure that local governments exercise their financial powers; third, to reduce and standardize the overlapping financial powers held by the local and central governments. The guideline has also specified the basic principles for dividing expenditure responsibilities between central and local governments and determines the expenditure responsibilities of governments at various levels in accordance with the principle of "whoever has financial powers should undertake the expenditure responsibilities." In principle, the funds for financial powers that belong to the central government should be allocated by central finance, and local governments should use their own resources to exercise their financial powers. For overlapping financial powers held by the local and central governments, the expenditure responsibilities of the central and local governments and the ways for them to undertake the expenditure responsibilities should be determined according to the scope of benefits, degree of influence, and distinction of basic public services.

While continuously improving the tax-sharing system, we have also gradually established a standardized central-to-local fiscal transfer payment system to adjust general transfer payments, balanced transfer payments, and special transfer payments according to the needs of economic and social development. In recent years, the central government has also continuously increased the transfer payments to specific regions and specific public affairs. The Ministry of Finance has successively issued *Measures for General Transfer Payments from the Central Government to Local Governments*, *Measures for Balanced Transfer Payments from the Central Government to Local Governments for 2011*, *Measures for Transfer Payments to National Key Ecological Function Areas*, *Measures for the Administration of Transfer Payment Funds in Border Areas*, *Measures for the Administration of Transfer Payment Funds in Old Revolutionary Base Areas*, *Measures for the Administration of the*

Central Government's Transfer Payment Funds to Resource-Depleted Cities for 2012, and *Measures for the Administration of Special Transfer Payments from the Central Government to Local Governments*, which have further improved the transfer payment system institutionally and procedurally so as to improve the use efficiency of transfer payment funds. The implementation of the transfer payment system is advantageous to coordinating local and regional development, narrowing the financial gap and development gap between regions, and solving the problems such as unbalanced regional economic development and equalization of public services from a global perspective.

In actual operation, the scale of transfer payments has increased year by year. This can also be seen from the year-on-year increase of transfers to local government in the financial yearbooks. Moreover, the implementation of the tax-sharing system in 1994 was a turning point, and from then on transfers to local governments have multiplied, as shown in Fig. 3.

The scale of balanced transfer payments has also increased year by year, highlighting the important role of the central transfer payment system in promoting financial balance and coordinated development between regions.

Taking the data on final accounts of transfer payments in 2011 as an example (from the website of the Ministry of Finance), transfer payment items covered almost all the expenditure items for development of local society and people's livelihood. The details are shown in the two figures below (see Figs. 4 and 5).

The central government's transfer payments to different regions are based on the overall situation of the country and the principle of balanced development. The central government has mainly increased the transfer payments to the central and western regions where financial resources are relatively insufficient to promote economic and social development in the central and western regions and coordinated and sustainable

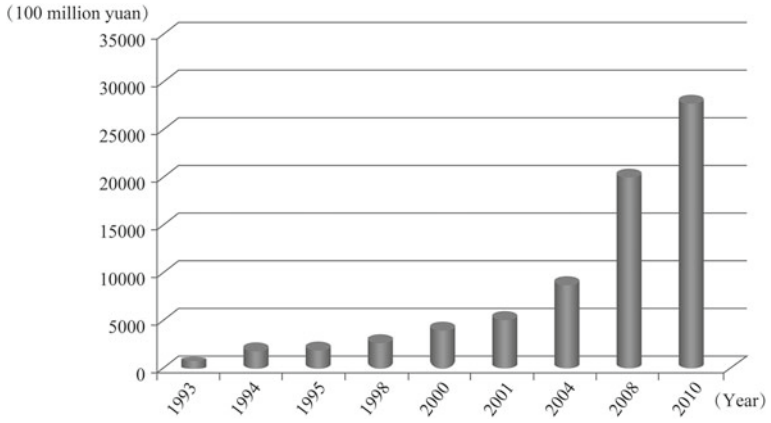

Fig. 3 Scale of central-to-local fiscal transfer payments *Source* Finance Yearbooks of China

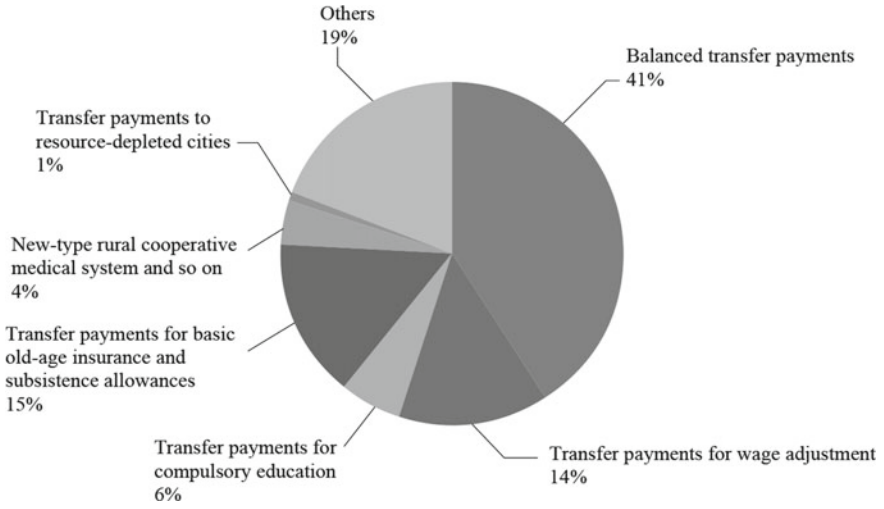

Fig. 4 Composition of general transfer payments

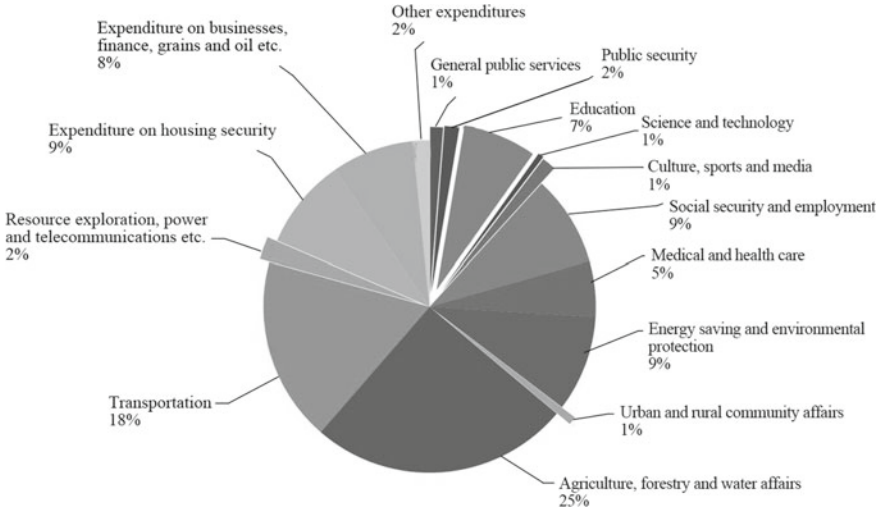

Fig. 5 Composition of special transfer payments

economic and social development throughout the country. Taking the year 2009 as an example, "the central and western regions accounted for 87% of the total transfer payments, and the eastern regions accounted for 13%; the central and western regions accounted for 92% of the general transfer payments; the central and western

regions accounted for 83% of the special transfer payments."[4] Based on the regional distribution of transfer payments, we can also have an idea of the financial relationship between the central authorities and the developed provinces and underdeveloped provinces. The central government has also increased the transfer payments to the old revolutionary areas and poverty-stricken areas. For example, from 2011 to 2015, the central government continued to increase its investment and arranged a total of 189.8 billion Yuan of special funds for poverty alleviation.[5]

In terms of overall effects, while promoting the economic and social development in the central and western regions, the transfer payment system has also eased the gradually widening trend of the gap between the financial forces in various regions. The implementation and improvement of this system is basically consistent with the practice of adopting a fiscal equilibrium system in most countries of the world. However, from the perspective of the fiscal management system at and below the provincial level, revenue division and financial resource allocation are quite different from one province to another and need to be further rationalized and standardized in accordance with the requirements of the tax-sharing system.

2.4 The System of Local Governments' Partner Assistance Under the Leadership of the Central Government

China has also established a distinctive system for supporting the development of underdeveloped areas, i.e. the system of local governments' partner assistance under the unified leadership and coordination of the central government. The basic policy implication is that developed regions should support and assist economic and social development in underdeveloped regions. This is also an important characteristic of the relationship between the central and local authorities in China. It is a long-term mechanism to support the development of underdeveloped areas and areas inhabited by ethnic minorities in an organized and planned manner to gradually realize institutionalized operation. Partner assistance was initiated in China in the 1950s and 1960s. The state proposed the policy of "mutual assistance between urban and rural areas and internal and external exchanges" and organized the nationwide circulation of goods in a planned manner to strike a balance of supply and demand of goods. In 1979, the central government officially finalized the partner assistance policy which required inland provinces and cities to pair up with border areas and areas inhabited by ethnic minorities to provide support to them. In 1992, the General Office of the State Council proposed and initiated partner assistance to the Reservoir Area of the Three Gorges Project. In 1993, the former State Education Commission deployed

[4]Li Ping, editor-in-chief, *A Concise Illustration of the Financial System*, China Financial & Economic Publishing House, 2010, p. 101.

[5]*The Central Government Further Increased Transfer Payments in 2015 to Support the Development of Old Revolutionary Areas, Ethnic Minority Areas, Border Areas, and Poverty-stricken Areas*, the website of the Ministry of Finance of the PRC (http://yss.mof.gov.cn/), December 3, 2015.

the nationwide education partner assistance work, and in 2001, the State Council issued the *Notice on Implementing Certain Policy Measures for the Development of the Western Region*, clearly stating that we should unswervingly promote regional cooperation and partner assistance between the Eastern and Western regions. These policies have provided an important basis for the specific implementation of partner assistance. Partner assistance covers different contents, and apart from institutionalized and routine assistance, there is also partner assistance related to crises and disasters. Partner assistance also comes in different levels. Here, we will mainly analyze partner assistance at the provincial level. This is also an important content of the relationship between the central and local authorities.

In terms of routine assistance, according to the coverage of *China Financial & Economic News* on December 31, 2012, since 2010, 19 partner provinces and cities across the country have carried out a new round of partner assistance to Xinjiang. Partner assistance to Xinjiang focused on the two tasks of realizing prolonged stability and leap-forward development in Xinjiang and the theme of "the year of people's livelihood construction," and the total assisting funds reached 15.3 billion Yuan. In 2011, 1,436 assistance projects in Xinjiang were launched, accounting for 99.2% of the total, basically achieving the goal that 100% of the funds to aid Xinjiang were available and 100% of the projects started construction. About 80% of the funds to aid Xinjiang were invested in people's livelihood projects, including projects of offering comfortable housing and enriching the people, settlement of herdsmen for developing animal husbandry, shantytown renovation, schools and hospitals, skill training bases, training for officials, talents and unemployed college graduates, and other areas.

An example of partner assistance to disaster affected areas is that after the Wenchuan Earthquake in 2008, the State Council issued the *Program of Partner assistance for Post-Wenchuan Earthquake Recovery and Reconstruction* and identified specific issues for the implementation of partner assistance. 19 provinces and cities including Shandong, Zhejiang, Shanghai, Tianjin, Jiangsu, Guangdong, Hunan, and Shanxi in the eastern and central regions were paired up with 19 counties and cities with severe disasters in Sichuan, Shaanxi, and Gansu to provide partner assistance in infrastructures such as housings, roads, water supply, and public services in culture and medical care.

The 18th CPC National Congress proposed to strengthen partner assistance to the old revolutionary areas, areas inhabited by ethnic minorities, border areas, and poverty-stricken areas by various forms, further promote new countryside construction and poverty alleviation, and comprehensively improve rural production and living conditions, and set new and higher requirements for poverty alleviation and development in the new era.

This is also the relationship between the local governments under the unified leadership and coordination of the central government, which further highlights the institutional advantages and superiorities of the coordination by the central government. In China's fiscal system, the central and local governments can exercise their respective functions and roles in practice. The central government mainly exercises the redistribution function, while the local governments mainly fulfill development

functions. Such division of functions can give full play to their respective advantages and enthusiasm.

2.5 *Administrative Relationship Between the Central and Local Authorities and Its Operation Mechanism*

The central government has the power to establish the highest level administrative regions. Article 30 of the Constitution specifies the principle for administrative division of China. It states that "The country is divided into provinces, autonomous regions and municipalities directly under the central government." The Constitution also specifies the requirements for administrative divisions below the provincial level. The administrative divisions of China are defined as four levels: provinces, cities, counties, and townships.

Under the unitary system in China, the central government has the power to establish and adjust local administrative divisions. These local administrative regions include provincial-level administrative regions such as provinces, municipalities directly under the central government, and autonomous regions, as well as special administrative regions. The adjustment of first-level administrative regions (provincial-level administrative regions) and special administrative regions in China is decided by the NPC as the highest legislative body of the country. This is clearly stated in Article 62 of the Constitution: the National People's Congress has the power to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government; to decide on the establishment of special administrative regions and the systems to be instituted there. For example, the establishment of Hong Kong and Macao Special Administrative Regions in China is determined by the NPC.

The practice that the central government has the power to establish the first-level administrative regions is not unique to China. Many countries have similar regulations and practices, even including those that practice federalism in the types of relationship between the central and local authorities. This is the fundamental premise and guarantee for safeguarding the sovereignty of the country.

A basic principle in the operation mechanism is unified central leadership, with specific responsibilities distributed across different levels of local government.

The State Council is the highest organ of state administration in China. Article 85 of the Constitution stipulates: "The State Council, that is, the Central People's Government, of the People's Republic of China is the executive body of the highest organ of state power; it is the highest organ of state administration." The State Council has the power to exercise unified leadership over the work of local organs of state administration at various levels throughout the country. Article 89 of the Constitution stipulates: "The State Council has the power to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central

Government and the organs of state administration of provinces, autonomous regions, and municipalities directly under the Central Government." Local governments at various levels are subject to dual relationship. Local governments are local organs of state administration and executive bodies of local organs of state power. Article 105 of the Constitution stipulates: "Local people's governments at various levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding levels." While local governments are responsible to the local organs of state power at the corresponding levels, they should also exercise the functions and powers assigned by the central organ of state administration, i.e. the State Council, and implement the provisions of the State Council and the tasks assigned by the State Council. Article 110 of the Constitution stipulates: "Local people's governments at various levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it." This also ensures the consistency of policies, the enforcement of government decrees and directives, and the implementation of the policies of the central government by the local governments.

Based on the principle of unified central leadership, with specific responsibilities distributed across different levels of local government, a distinctive highly fragmented and segmented structure and relationship was created. In China, local governments are subordinate to both the legislatures at the same levels and the administrative organs at the higher levels. Under such relationship of administrative subordination, local governments are actually subject to dual leadership and restrictions."[6] The fragmented and segmented relationship based on such a dual leadership system is reflected in specific administrative affairs. That is, the functional departments of local governments at various levels are led by the higher level counterparts in the vertical relationship and are subordinate to the governments in the horizontal relationship at the corresponding levels. Fragmented management is based on vertical power division and segmented management is based on horizontal power division. Therefore, the fragmented and segmented division of power and how to find a balance of power has become an important variable in the relationship between the central and local authorities.

The most important characteristics of the abovementioned relationships between the central and local governments are the organic combination of unity and flexibility. Under the unified leadership of the central government, local governments are also given a free space for decision-making and action to fully mobilize their enthusiasm. This ensures that local governments promote local economic and social development while achieving central intentions. This is also an advantage of the Chinese political system.

[6]Lin Shangli, *Domestic Inter-Government Relationship*, Zhejiang People's Publishing House, 1998, p. 17.

3 Development Basis for the Relationship Between Central and Local Authorities in China

The political system of a country, including the relationship between the central and local authorities and their institutions, is the product of its specific historical development and suits its specific fundamental state system and basic national conditions.

The relationship between the central and local authorities in China has the common characteristics of the relationship between the central and local authorities in other countries in the world, including the central (federal) government's fiscal supervision, personnel supervision, administrative supervision and control over the localities (states), as well as the changes and adjustments between the two dimensions of centralization and decentralization. It also has unique characteristics that distinguish itself from those in other countries, including some specific systems and policies and different degrees of centralization and decentralization.

As the analysis above, the current relationship between the central and local authorities in China has a profound historical and realistic development basis as follows.

3.1 Historical Basis: The Historical Impact of China's Development

The relationship between the central and local authorities is an old topic in China. In the 5,000-year glorious history of Chinese civilization, china had formed a relatively centralized and unified central government and the local governments under the central government's jurisdiction at the beginning of the Xia Dynasty. In ancient China with a long history, China basically practiced a centralized system though improvements were made in some short periods. In the 100 years since the beginning of 1840, the relationship between the central and local authorities was in a state of chaos. Arguably, the historical relationship between the central and local authorities has a profound impact on the relationship between the central and local authorities in the PRC, and no country can cut off or betray its own history.

In a period of history after the founding of the People's Republic of China, a highly centralized relationship between the central and local authorities that suited China's highly centralized socialist planned economic system was established due to the influence of the military organization and leadership system during the revolutionary war and the influence of the Soviet Union internationally. Such a system has played a significant historical role in establishing and improving the industrial infrastructure system and restoring and consolidating the development of the national economy.

Since the 1980s, China has gradually explored a relationship between the central and local authorities that suits the socialist market economic system. With the

launch of the reform and opening-up policy, powers are gradually devolved to local authorities, but due to historical influence, decentralization and centralization have ever occurred cyclically. However, the general historical development trend is to devolve power to local authorities to greatly arouse their enthusiasm and initiative. For example, in terms of personnel management, two-level-below management was replaced by one-level-below management; in terms of fiscal management power, the tax-sharing system that suits the modern market economic system has been gradually established and improved.

3.2 Theoretical Basis: The Theoretical Basis of the Relationship Between the Central and Local Authorities

China's unitary state structure is biased toward centralization. Apart from the above-mentioned historical development factors, there is also a profound theoretical basis. Marx and Engels as classical theoretical writers expounded in their works their ample theories on the relationship between the central and local authorities. One of the important ideas is that "as an institutional arrangement in which the main power of the state is concentrated to the central government, centralization reflects the essential requirements of the state as a political entity established based on a certain economic foundation." In a general sense, there is an intrinsic connection between centralization and a state. Engels specially discussed the historical rationality of centralization in the article entitled *Centralization and Freedom.* "Centralization is—and this is its justification—the essence, the vital nerve, of the state. Every state must necessarily strive for centralization; every state is centralized, from the absolute monarchy to the republic; America just as much as Russia. No state can do without centralization, the federal state no more than the developed central state."[7] Here, centralization is regarded as the essence of a state, regardless of a unitary state or a federal state, except that the scope and extent of centralization change with different historical conditions and stages.

Mao Zedong's thought on the relationship between the central and local authorities provides an important ideological basis for China's practice in this regard. After the founding of the People's Republic of China, Comrade Mao Zedong came up with a series of ideas on the relationship between the central and local authorities in China, which are described in *On Ten Major Relationships* published in 1956. He proposed the basic policy for mobilizing all positive factors at home and abroad and profoundly discussed how to properly handle some major relationships in the Chinese society. One of them is to construct the relationship between the central and local authorities and give full play to the initiative of both the central and local authorities. "Our attention should now be focused on how to enlarge the powers of the local authorities

[7] *Complete Works of Marx and Engels* (Vol. 41), People's Publishing House, 1982, p. 396.

to some extent, give them greater independence and let them do more, all on the premise that the unified leadership of the central authorities is to be strengthened. This will be advantageous to our task of building a powerful socialist country." "A vibrant economic system is a system that should give local authorities greater independence and decision making power and meanwhile local authorities should follow the unified leadership of the central authorities, i.e. a system that integrates centralization and decentralization."[8]

The theory and principles of democratic centralism in state power organizations also determine the basic form of the relationship between the central and local authorities in China. Mao Zedong believed that the relationship between the central and local authorities must also adhere to the fundamental organizational principle of democratic centralism, and must have unified leadership, as well as decentralization and hierarchical management.

In short, we should arouse the enthusiasm of local authorities and consolidate and strengthen the unified leadership of the central authorities. Comrade Deng Xiaoping emphasized when the reform and opening-up policy was initially launched that: "In a large country like China, to unite the thoughts and strengths of hundreds of millions of people to build socialism, it will be inenvisageable if we do not have a party that can truly represent and unite the people and whose members are highly conscious and disciplined and have the spirit of self-sacrifice or if we are not under the unified leadership of such a party. Then we will only be divided and accomplish nothing. The people of all our nationalities have come to a deep understanding of this truth through long years of struggle."[9] The moderate centralization of power is precisely the inevitable requirement for realizing the core leadership position of the Party. Moreover, Deng Xiaoping also stressed in his speech in 1979 entitled *Some Comments on Economic Work* that local interests are beyond reproach, but meanwhile some centralization must be guaranteed.

The report to the 19th CPC National Congress emphasized that "we should ensure Party leadership over all work." Then, in actual operation of the relationship between the central and local authorities, we must also uphold the leadership of the Party, "work harder to uphold the authority and centralized, unified leadership of the Central Committee," and ensure that the Party exercises overall leadership and coordinates work in all areas.

The dialectical and objective exposition of the abovementioned important ideas on the relationship between the central and local authorities has become an important guiding ideology for the operation of the relationship between the central and local authorities in China's reality.

[8] Xin Xiangyang, *The Vassals of A Large Country*, China Social Sciences Press, 2008, p. 388.

[9] *Selected Works of Deng Xiaoping* (Vol. 2), People's Publishing House, 1994, pp. 341–342.

3.3 Realistic Basis: The Complex National Conditions of China

From a global perspective, compared with the federal system in other countries and pure regional autonomy, China's unitary system has practical superiority in line with China's national conditions and status as a multiethnic country. It has its advantages in promoting China's economic and social development. With a large area and a large population, many provinces in China are almost the size of some countries in the world, so we should not simply compare our system with or copy other countries' models of federalism or local autonomy.

China is the largest developing country in the world. This fundamental national condition determines the basic framework of China's relationship between the central and local authorities. There has been no fundamental change in our basic national conditions: a large population and weak economic foundation. China is facing problems such as mounting resource pressure for economic development, uneven economic and social development and unequal income distribution. To solve the practical problems such as aggravating uneven development and inequality in different regions and to properly handle various complicated social interest relationships, the central authorities must exercise unified and centralized leadership over the local authorities, the authority of the central government must be respected and safeguarded, and the central authorities must carry out macro regulations and overall arrangements.

In response to some practical problems in the relationship between the central and local authorities, Deng Xiaoping pointedly said that: "especially when we run into difficulties, it would be impossible to overcome them if the CPC Central Committee and the State Council had no authority."[10①] The practice of centralization is the fundamental guarantee for the smooth advancement of the cause of socialist modernization. Facing the current complicated international environment, there must be a strong central government to safeguard China's national independence, national unity, and sovereign integrity, thus creating a favorable development environment for realizing the Chinese dream of the great rejuvenation of the Chinese nation.

3.4 International Vision: Some Commonalities in Line with the Relationship Between the Central and Local Authorizes in the Industrialized Countries Throughout the World

The development history of the relationship between the central and local authorities in the countries around the world shows that the central or federal governments have centralized or powerful power. Regardless of a unitary state or a federal state, the

[10] *Selected Works of Deng Xiaoping* (Vol. 3), People's Publishing House, 1993, p. 319.

division of power between the central and local authorities is not unconditional, but on the premise of ensuring the central government's effective control over the local governments and safeguarding state sovereignty and unity so as to avoid that the localities go their own way and prevent national division. From the perspective of world history, no one large country has ever risen without relying on a strong central government.

The industrialization processes in many countries in the world prove that the implementation of centralization has historical inevitability. Capitalist countries with a unitary system mostly practice centralization. In the capitalist countries with a federal system, although the local governments have considerable power, state power is still concentrated in the hands of the federal government, except that the degree and mode of centralization are different; for example, the United Kingdom, the country that first started the industrial revolution, established a nationally unified market through the protection of centralization, and formed a capitalist social and economic environment conducive to the development of major industries. At that time, Germany successfully blazed a road to modernization to realize catch-up and surpass, during which the centralized government played a positive historical role. The rapid growth of industrialization in the United States in the late nineteenth century was closely related to federal centralization. The development of some newly industrialized countries after World War II was accompanied by a political model of government dominance and centralization. Without doubt, centralization provides an important political guarantee for the industrialization and modernization of a country.

From the above, China, which is also in the stage of rapid industrialization, has its practical necessity to practice a unitary system in the relationship between the central and local governments to maintain the authority of the central government. This is consistent with some laws in the process of world economic and political development and also shows that the relationship between the central and local authorities in a country is constantly adjusting according to its social development tasks.

4 Law-Based Governance in the Development of the Relationship Between the Central and Local Authorities in China

In 1997, China officially proposed the fundamental strategy of "governing the country by law" and building a socialist country ruled by law. Over the years, government agencies at various levels have worked hard to move toward this goal through different operational mechanisms and methods. The direction of further reform and development of the relationship between the central and local authorities is also to expand socialist democracy and strengthen socialist legal construction. The Chinese government is further promoting the rule by law and benign interaction of the relationship between the central and local authorities through the specific and effective operation of various systems between the central and local authorities.

The degree of law-based governance in the relationship between the central and local authorities is constantly increasing. The report to the 16th CPC National Congress proposed to "standardize the functions and powers of the central and local authorities in accordance with the law," and properly handle the relationship between the central and local authorities according to the Constitution and laws and the requirements of the socialist market economic system. This is reflected in the following important aspects.

In the reform of the fiscal and taxation systems, we should further rationalize the division of administrative powers and fiscal expenditure responsibilities between the central and local authorities, gradually improve the fiscal system whereby administrative power matches financial resources, and improve the public fiscal system through improving legislation and clarifying administrative powers. The 3rd Plenary Session of the 18th CPC Central Committee emphasized that the goal of the reform of the fiscal and taxation systems is to establish a system whereby administrative powers match expenditure responsibilities on the basis of maintaining the stability of the overall financial pattern of the central and local authorities so as to give free rein to the initiative of both the central and local authorities. Through ensuring the transparency and institutionalization of financial administration and financial relationship between central and local authorities and the reform and improvement of the taxation system, we have established a unified intergovernmental modern fiscal system whereby the central and local authorities have their respective administrative powers and expenditure responsibilities. Moreover, to address the problems in the previous central-to-local transfer payments, we have proposed a mechanism to increase general transfer payments which focuses on increasing transfer payments to the revolutionary old areas, areas inhabited by ethnic minorities, border areas, and poverty-stricken areas to promote standardized and institutionalized development of general transfer payments and purposefully promote financial balance among different regions and equalization of public services.

In terms of the legislative relationship, the respective legislative powers of the central and local authorities as stipulated in the *Legislation Law* and relevant laws should be fully exercised, which is also conducive to restricting the legislative responsibilities of the central and local authorities. In terms of the personnel relationship, apart from the institutional regulations on official management by the central government, the *Civil Servant Law* has also required rationalizing the personnel relationship between the central and local authorities to provide powerful personnel and organizational guarantee for coordinated economic and social development. The central authorities have constantly regulated and institutionally restricted the relationships and behaviors of local authorities' partner assistance. In future development, this must be incorporated into the realm of legal issues to reduce the subjectivity and arbitrariness of partner assistance.

One of the basic principles for law-based governance in the relationship between the central and local authorities in China is to combine relative centralization with appropriate decentralization. This is determined by China's fundamental national

conditions. China still faces the problem of imbalanced and uncoordinated development in different regions. The central authorities need to retain relatively centralized power to balance the development of different regions through appropriate and effective macroeconomic regulation and control. In terms of future development trends, the central authorities undoubtedly need to delegate power to the local authorities to give local authorities greater independence and giver full rein to their initiative in economic and social development. However, China will not further strengthen decentralization indefinitely, instead, it needs moderate centralization to solve the problem of imbalanced, uncoordinated, and unsustainable economic and social development. In particular, it needs to improve the central authorities' overall planning ability.

Therefore, there is a more important gauge for law-based governance and benign interaction in the relationship between the central and local authorities. That is, the development of this relationship must be sustainable. To promote interaction between the eastern and western regions and achieve reciprocal advantages and common development in all regions, we must maintain moderate centralization while decentralizing and safeguarding the authority of the central government. Meanwhile, we must further optimize the incentive mechanisms and measures from the central authorities to the local authorities so as to promote the transformation of the economic development pattern, address the problems such as the widening regional growth gap brought about by the rapid growth of local economy, imbalanced primary income distribution and insufficient supply of public services, and constantly improve the benign interaction between the central and local authorities.

The second principle for law-based governance in the development of the relationship between the central and local authorities in China is the combination of unity and flexibility. China faces complicated national conditions and imbalanced development among different regions. The localities must solve various kinds of contradictions, problems, and challenges in their economic and social development, and the central government needs to give them sufficient space and freedom for explorations, trials, and innovation. The development gaps and stages vary widely across China. The achievements of different regions in economic and social development are brought about by this advantage that China's relationship between the central and local authorities is flexible. The central authorities can flexibly adjust their relationship with the local authorities according to the economic and social situation. In the future, under the strategy of governing the country according to law and adhering to the government's administration according to law, we will strive to realize the organic combination of central authority and local flexibility. What we need to adhere to in this historical period is still that "we should give full rein to the initiative of both the central and local authorities. The central authorities' policies should fully take into consideration the actual conditions of the localities, should not impose uniformity on the implementation of the policies, and should give the local authorities greater space to better bring into play the grassroots pioneering spirit. Local authorities should strengthen the idea of coordinating all the activities of the nation like moves on a chessboard and consciously safeguard the authority of the CPC Central Committee and the State Council so as to ensure strict enforcement of orders and

prohibitions."[11] China's complicated national conditions and imbalanced development of various regions require all localities to constantly exert their initiative on the premise of safeguarding national unity and central authority, and "more decision-making power should be given to the governments at and below provincial level."[12] We should constantly explore and innovate new ways to solving economic and social development problems, thus promoting innovative, coordinated, green, open, and shared development of national economic and social ecological construction.

[11] Li Keqiang, "Comprehensively Performing Government Responsibilities and Working Hard to Realize the Wishes of the People," *People's Daily*, March 22, 2013.

[12] Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese for A New Era*, People's Publishing House, 2017, p. 39.

Chapter 5
China's Official Training and Selection System

Haiyan Xu

China's official training and selection system is a major part of China's political system. The political system of contemporary China was established under the leadership of the CPC and the guidance of Marxist theory on state. It covers the contents in the four aspects: the leadership of the CPC, democratic centralism, democratic management by the people and socialist rule of law, and provides personnel and organizational guarantee for China's socialist construction.

1 Principles and Procedures for Management of Officials

The CPC is a well-organized political party. Since its inception, it has attached great importance to the management of officials. All officials inside and outside the Party are under the direct management of the CPC. In the form of management, the Party's organization departments are basically responsible for the management of officials. It was not until October 1941 that the CPC Central Committee decided that military and political officials should be subject to the management of the Organization Department of General Political Department of the PLA, but must still accept the leadership of the Organization Department of the CPC Central Committee according to the overall policies for officials.

H. Xu (✉)
Beijing, China
e-mail: zlcd001@163.com

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1.1 Definition of Official

Officials in China include all the staff of the organizations of the CPC at various levels, as well as the staff of the governments, military forces, enterprises, public institutions, mass organizations, and other planned social organizations, including various types of managers and technical professionals. These people may either take control of some power and are responsible for the work of a region or one aspect, or have a certain level of cultural quality and engage in different mental work. Officials, especially those who hold leadership positions within the CPC, the military forces, and the governments, play a much more significant role in the society than other social members.

1.2 General Principles for Selection and Training of Officials

The current official training and selection system is established under the guidance of the basic ideas of Marxism. In the historical process of reform, opening-up, and socialist construction, based on both the Chinese and Western theories and the positive and negative experience of the socialist official system, we have kept pace with the times and sought truth from facts and are pragmatic, pioneering, and innovative. Meanwhile, we have drawn on the achievements of today's world civilization and summarized both positive and negative experiences of the international communist movements in the historic realms, especially the Soviet Union. The general principle of official training and selection is "the Party supervising officials."

The principle of "the Party supervising officials" is the fundamental principle of the system for the management of officials and personnel of the CPC and the state. The essence of "the Party supervising officials" is that the Party recommends or arranges the officials of the CPC to hold important leadership positions in the organs of state power at various levels and all sectors of society, thereby forming the leadership over state power and social life through these officials.[1] "The Party supervising officials" was gradually practiced after the late 1970s. "The Party supervising officials" means that, in the People's Republic of China, the management of officials and related matters must be administered by the Party Central Committee and local committees at various levels. No other organization has the power to administer officials. "The Party supervising officials is the fundamental principle of the system for the management of officials of the Party and the state in China."[2] The core of "the Party supervising officials" lies in the exclusiveness of the management subject, i.e. the CPC. The essence of "the Party supervising officials" is to recommend or arrange officials of

[1]Cao Zhi, editor-in-chief, *Summary of the Personnel System of the People's Republic of China*, Peking University Press, 1985, p. 6.

[2]Ibid.

the CPC to hold important leadership positions in the organs of state power at various levels and all sectors of the society, thereby forming leadership over state power and social life through these officials.

"The Party supervising officials" covers the following contents. First, the CPC formulates and implements the lines, guidelines, and policies for official work in a unified manner to realize the unity and consistency of official management. Second, the CPC is responsible for the concrete management of officials. Party committees at various levels exercise direct supervision on leading officials in accordance with the authority and scope of official management and recommend officials to hold important positions in the organs of state power and allocate officials in accordance with regulations; Party Committees at various levels are responsible for supervising and controlling the implementation of the entire official work and administer officials who are not Party members. The core of "the Party supervising officials" is the power to appoint and remove officials from office. The appointment or removal of officials by the CPC mainly comes in the following forms.

First, the CPC directly appoints or removes officials from office. This method is mainly applicable to the positions of officials within the CPC. Generally, a Party meeting is held to decide on the appointment or removal of officials.

Second, officials are recommended by the CPC and appointed or removed from office by the NPC. Party committees at various levels should recommend a list of candidates for the positions for which appointment or removal should be undertaken by the people's congresses at the corresponding level and submit it to the standing committees or the presidiums of the people's congresses for appointment or removal by including them in the positions to be elected by the people's congresses or the appointment or removal procedures to be decided by the standing committees of the people's congresses. It is mainly applicable to the appointment or removal of members of the standing committees of the people's congresses, members of the government, presidents of the courts, procurator-generals of the procuratorates, and other functionaries of organs of state who should be appointed or removed from office according to the procedures of the people's congresses or the standing committees of the people's congresses.

Third, officials are recommended by the CPC and appointed by the government. This approach is primarily applicable to the appointment or removal of leaders of government departments. The Party committees are responsible for giving recommendations and suggestions on appointment or removal of officials, and the government is responsible for going through the administrative procedures for appointment or removal.

Fourth, in an enterprise that practices the system under which the factory manager (director) assumes full responsibility, the system in which candidates for leadership are recommended by the Party committee or nominated by the director and appointed or removed from office by the director after the decision has been made by the Party and governmental leadership collective of the enterprise. This approach applies to the appointment or removal of middle-ranking leaders in enterprises. In enterprises that practice the modern enterprise system, we have not yet found a viable approach for appointment or removal of leaders that can take into account both the

official management power of the CPC and the inherent requirements of the modern enterprise system.

Presently, in the appointment and selection of officials, China not only adheres to the basic principle of "the Party supervising officials," but also guarantees the practical and institutional innovation of democratization, legalization, and scientification in official appointment and selection. This will have a great impact on cultivating millions of leading officials who have a firm belief in the Party, win the trust of the people, have a strong ability to govern effectively, and meet the needs of scientific development.

1.3 The Main Procedures for Appointment or Removal of Officials by the CPC

1.3.1 Observation by the Organization Departments of the CPC and the Discussion and Decision by the Party Committees

The persons to be appointed by the CPC should first be observed by the organization department according to certain standards, and the observation materials should be written and submitted to the Party committee or the Party group by the staff of the organization department responsible for the observation after signing. After the observation materials are submitted to the Party committee or the Party group, the Party committee or the Party group will discuss and make a decision on the observation. When the Party committee or the Party group carry out discussions, two-thirds of the members usually attend the meeting, and a decision on the appointment of a person will be made in accordance with the principle of democratic centralism. In the functional departments of the Party committees and the state organs that do not have a Party group, the officials who are responsible for administrative affairs should chair an official work meeting to make decisions by collective discussions and submit such decisions for approval according to the management authority.

1.3.2 Approval by the Party Committees at the Higher Levels

Before a decision on the appointment is approved by the unit at a higher level, the Party committee at the corresponding level generally conducts a further observation of the person whose appointment is submitted for approval; for the person to be recommended to serve as the chief leader of the government department at the same level, the organization department will also solicit opinions from the head and deputy head in charge of this matter at the same level. For officials who are subject to dual management of local Party committees and business departments at the higher levels, the organization department will also solicit opinions from the business departments at the higher levels. The materials which the Party committees at the higher levels are

based on when discussing and approving the appointment of an official: appointment report form, observation materials, public opinion materials, and the voting results of the Party committee of the reporting unit.

1.3.3 Formal Appointment

For some positions which must be appointed according to the legal procedures, the Party committee must also go through the relevant procedures, and officials for these positions must be elected and appointed by the organization prescribed by law or the organ of state power in accordance with relevant laws and regulations.

2 The System for Training and Selection of Officials and Its Practice

Officials are decisive factors, once a political line is decided upon. The reform of the political system covering the reform of the personnel system for officials is an important hot spot and difficult issue in China's reform. Since the founding of the People's Republic of China, China has placed great importance on training and selection of officials and has taken effective measures to continuously improve the system for training and selection of officials.

2.1 From October 1949 to April 1966

The personnel management work in the PRC was formed on the basis of the new democratic personnel management work and has been fully developed, forming a sound and independent work system.

First, the official management mechanisms were improved. A sound and independent work system was established in all departments of the central and local authorities. In November 1949, the Government Administration Council established the Personnel Bureau as its direct agency to assist the Organization Department of the CPC Central Committee in managing officials in government organs.

In November 1950, the Personnel Department of the CPC Central Committee was established to be responsible for personnel affairs of state organs other than military issues. Local military and political committees and governments at various levels also established their personnel departments. In December 1954, the Personnel Department of the CPC Central Committee was abolished and the Personnel Bureau of the State Council was established, whose scope of business was expanded to cover the task of "handling administrative establishment of state organs, democratic parties, and people's organizations." In September 1959, the Personnel Bureau of

the State Council was abolished, and the government agency personnel bureau was established within the Ministry of Internal Affairs. Meanwhile, it took over "the work of examining the cases of rewards and punishments for functionaries of state administrative organs appointed by the people's committees at various levels and the organs at the higher levels" previously undertaken by the Ministry of Supervision." Later, the administrative establishment work of state organs, democratic parties, and people's organizations were transferred to the Establishment Office of the State Council.

Second, the system for the management of officials was established. According to the needs of socialist development, a series of rules and regulations including absorption, recruitment, training, appointment or removal, rewards and punishments, assessment, work welfare, retirement retired, military official resettlement, and distribution of college graduates have been gradually established, forming a highly centralized personnel management system.

Third, various official management tasks were performed. According to the needs of the revolution and construction, a large number of government officials were recruited, large-scale training for officials were carried out, officials were allocated, appraised, appointed, removed, rewarded, and punished according to the needs of revolution and construction. In August 1955, the monetary wage system was adopted for all functionaries of state organs, and in 1956, the salary system based on the post grades was uniformly implemented for all functionaries.

During this period, from October 1949 to October 1953, officials at various levels in China, except for the military system that realized independent management, were all under the unified management of the Party Central Committee and local committees at various levels.

From November 1953 to January 1957, under the unified leadership of the Party Central Committee and local committees at various levels, some officials under the unified management of the organization departments of the Party Central Committee and local committees at various levels were entrusted to the Party committees of provinces, municipalities, and autonomous regions for management according to the administrative ranks. From 1963 to April 1980, the central government enlarged the management authority for functionaries.

2.2 From 1977 to 1987

2.2.1 Management and Selection of Officials in Party and Government Organs

This period is a period during which China explored reforms on official management and selection.

First, the official management organs at various levels were resumed gradually, and they were responsible for unified personnel management.

Second, some effective official management regulations were restored and supplemented.

Third, the National Personnel Directors' Meeting was held from November 21 to December 5, 1979, which clearly stated that personnel work was part of the Party's official management work. The government personnel departments were the functional departments of the government for systematic and comprehensive management of personnel work.

Fourth, with the gradual reform of the economic system, some exploratory reforms of the official management system were carried out. The new guidelines for official work characterized by "more revolutionary, younger in average age, better-educated, and more professional" were formulated. The lifelong tenure system for leading officials was abolished. The term of office and the maximum number of consecutive terms for some leadership positions were specified, the retirement system was instituted, and the performance assessment for officials was strengthened, making it possible for officials to be promoted and demoted. The appointment system was reformed to allow various forms of appointment. After 1984, the authority for the management of officials was further devolved, the former two-level-below management was replaced by one-level-below management, and graded responsibility was practiced. The official allocation system was practiced, the unitary centralized labor allocation system was replaced by the allocation system combining planned allocation and flowing of personnel, and the employment system for the dual-way choice between employers and individuals was practiced. The form of official assessment was reformed to combine static assessment with dynamic assessment and combining assessment by special agencies with democratic and quantitative assessment by the masses. The post responsibility system was adopted to combine the responsibilities, powers, and interests of officials. A trial system of training before holding a post was adopted for demobilized officers. The wage system for officials of state administrative organs and public institutions was reformed, and the structural wage system in which wages are related to specific work posts was implemented. The professional title evaluation and appointment system was adopted for demobilized technical professionals.

2.2.2 Selection and Appointment of Officials in Public Institutions

Public institutions in China are characterized by a large staff, a large coverage, and wide categories. Since the 3rd Plenary Session of the 11th CPC Central Committee in 1978, in order to break through the grand unified system for the management of officials and to establish a set of management system decoupling from the personnel system for officials of the Party and government organs and meeting the actual needs of different public institutions, the research and education institutions had carried out some exploratory reforms of the personnel system for officials according to the *Decision of the CPC Central Committee on Reform of the Economic System* and the *Decision of the CPC Central Committee on Reform of the Education System.*

2.3 From 1987 to 2000

At the 13th CPC National Congress, the central government put forward the basic idea of the reform of China's political system. The reform of the personnel system for officials was put on the agenda as one of the important contents of the reform of the political system. During this period, the reform of the personnel system for officials and was promoted in the following aspects.

First, the management system for officials was reformed and the power of official management was delegated to lower levels. In 1983, the central government promulgated relevant documents such as the *Provisions on Several Issues Concerning the Reform of the Official Management System*, which proposed to reform the official management system in accordance with the spirit of "managing less, managing flexibly and managing better" and the principle of hierarchical and classified management, and clearly required devolving the power of official management to lower levels and implementing the management system of one-level-below management, hierarchical management, and layer-by-layer management.

Second, the ways of classified management of officials were explored. After the 13th CPC National Congress in 1987, in accordance with the requirement that "we should carry out classified management of various types of personnel based on the principles of separating the functions of the Party from those of the government, separating the functions of the government from those of enterprises and closely combining Party and government operations and personnel management and putting them under institutional checks," we had further adjusted and improved the measures for the management of officials to change the phenomenon of unreasonable fragmented and segmented division, cumbersome procedures for appointment and dismissal, unclear responsibilities, and shirking responsibility to each other so as to improve the efficiency of official management. The *Provisional Regulations on State Civil Servants*, the *Judges Law of the People's Republic of China,* and the *Public Procurators Law of the People's Republic of China* were promulgated.

According to different situations of organs, enterprises, and public institutions, we had explored to establish the measures for the management of different types of officials such as officials of Party and government organs, corporate managers and scientific and technological experts, and explored to establish the personnel management system for enterprises and public institutions that matched the director responsibility system. We have proposed to relax the management of demobilized technical professionals to promote the rational flow of scientific and technological personnel within a certain scope.

Third, we had promoted the individual reforms in selection and appointment of officials, exchanges of officials, assessment of officials and reserved official team building. In January 1986, the CPC Central Committee issued the *Notice of the CPC Central Committee on Selecting and Appointing Officials in Strict Accordance with the Principles of the Party*, which clearly specified the work discipline for selecting and appointing officials. Meanwhile, reforms of some individual systems for official selection and appointment were carried out on a trial basis to achieve a breakthrough

in the unitary appointment system, various forms of selection and appointment were practiced, and the post responsibility system and democratic deliberation were implemented. In 1987, the central government promulgated a policy for the exchange of officials. By 1988, nearly 10 provinces (autonomous regions and municipalities) had established their official exchange systems. In order to strengthen the effective management of officials, on the basis of the *Opinions of the Organization Department of the CPC Central Committee on the Implementation of the Official Assessment System* issued in November 1979, the central government issued the *Opinions on Trial Implementation of the Annual Work Assessment System for Local Party and Government Leading Officials* in 1988, which further specified the contents and methods of annual work appraisal for officials and further detailed the assessment contents in the four aspects of morality, competence, diligence, and performance. Through the reform of these organizational and leadership systems, especially through the reform of the overcentralized personnel system for management of officials, the devolution of official management authority and the reform of the systems for training and selection of officials, China has initially established some concrete personnel systems for management of officials that met the needs of the four modernizations (modernization of agriculture, industry, national defense, and science and technology).

The 14th CPC National Congress has made arrangements for accelerating the reform of the personnel system for officials and proposed to reform the important systems such as the system for selection and appointment of Party and government leading officials, the main contents of which focused on "enlarging democracy, improving assessment, promoting exchanges, and strengthening supervision." It was required to fully reform the personnel system of Party and government organs, state-owned enterprises, and public institutions. It emphasized that "we should accelerate the reform of the personnel and labor system and gradually establish and improve a scientific classified management system and an effective incentive mechanism that conform to the different characteristics of organs, enterprises, and public institutions."

On October 1, 1993, the *Provisional Regulations on State Civil Servants* was officially promulgated, requiring that the state administrative organs should implement the civil service system in a planned and step-by-step manner and the management of officials in the Party organs, members of people's congresses, political consultative organs, and judicial authorities should be carried out according to the civil service system of China. This is a comprehensive reform of the traditional personnel system for officials and an important starting point for the personnel work for officials in accordance with the law. It is of great significance in the history of official management work. In order to systematically establish and promote the civil service system, the system for examination and appointment of civil servants was established and implemented in 1994 in a bid to strictly control the quality of civil servants. In 1995, the civil servant resignation and retirement dismissal system was practiced to unblock the vent of the civil servant team. In 1996, the exchange rotation and avoidance system was implemented to strengthen the vitality of officials of government organs. In 1997, a pilot study on establishing a system for competition for positions was carried out, and constant efforts were made to improve various systems

for the management of civil servants, laying a solid foundation for the subsequent promulgation of the *Civil Servant Law* at the practical and institutional levels. In 1997, the central government issued the *Provisions on Handling the Acts Violating the Provisional Regulations on the Selection and Appointment of Leading Officials of the Party and Government* to ensure the effective implementation of the regulations.

Fourth, the reform of the personnel system of state-owned enterprises and public institutions also began. In accordance with the requirements for establishing a modern enterprise system, administrative ranks in state-owned enterprises were gradually abandoned, and the boundary of identity between officials and workers was broken. While upholding the principle of "the Party supervising officials," the management authority for leaders of enterprises was gradually clarified, the management relationship was gradually rationalized, and the mechanism for selecting, appointing, providing incentives, and imposing constraints over enterprise leaders that matched the socialist market economic system and the modern enterprise system gradually took shape. This has better overcome the shortcomings of multichannel management and management of enterprise leaders through administrative ranking, and we have initially established a new management system linked together by property rights that focused on the management of representatives of state-owned property rights and Party and government personnel of enterprises. Meanwhile, the reform of the personnel system of public institutions that focused on the implementation of the personnel employment system and the post management system was gradually launched out in departments of science, education, culture, and health.

The report to the 15th CPC National Congress states: "As a ruling party, the Communist Party leads and supports the people in exercising the power of running the state, holding democratic elections, making policy decisions in a democratic manner, instituting democratic management and supervision, ensuring that the people enjoy extensive rights and freedom endowed by law, and respecting and guaranteeing human rights." Under the guidance of this policy, the systems for exchange and assessment of officials and competition for posts were promoted nationwide. From 1995 to 2000, 647 officials at the provincial and ministerial levels, more than 15,000 officials at the bureau level, and nearly 200,000 officials at the county level were exchanged. More than 96% of secretaries of Party committees at the county (district, city) level and heads of counties (districts, cities) were exchanged or held an office in places other than their hometowns. Meanwhile, during this period, in order to expand our field of vision in personnel selection and appointment, promote the flow of officials and talents between different industries and departments, rationally allocate human resources, expand democracy in personnel selection and appointment, and effectively resist unhealthy trends, many localities throughout the country explored to practice the systems of the open selection of leading officials and competition for posts in Party and government organs. From 1995 to 2000, the Party and government organs at various levels in 31 provinces (autonomous regions and municipalities) across the country adopted the practice of competition for posts.

Some units practiced "competition for any vacancy," and some practiced cross-departmental competition for posts, promoting exchanges of officials between Party and government organs and optimizing the allocation of human resources.[3]

(1) Selection and appointment of officials in public institutions. In 1987, the relevant departments put forward "the principle of autonomous operation and management" in public institutions, required establishing the personnel system for classified management of officials, and made in-depth explorations in the systems of management, leadership, and personnel management for officials.

In 1993, the reform of the personnel system for officials of public institutions was in a new phase of exploring to establish a personnel system for the management of officials that suited the socialist market economic system. The State issued the *Opinions on Several Issues Concerning the Institutional Reform of Public Institutions*. The Ministry of Personnel and the State Commission Office of Public Sectors Reform convened a work conference on the institutional reform and the reform of the personnel system of public institutions throughout the country, identifying the general ideas and main tasks of the reform.

For more than 30 years, the reform of the personnel system of public institutions has achieved the following results.

First, the leadership system of public institutions was reformed and various forms of appointment were practiced. So far, except for institutions of higher education and a few public institutions, most public institutions have implemented the administrative head responsibility system. The traditional unified administrative leader appointment system was reformed. Various forms of appointment systems were also adopted for the appointment of managers and technicians below the administrative leadership.

Second, the engagement system was practiced on a trial basis, initially forming the mechanism that officials could be transferred to other jobs or went to a higher or a lower post as required. At present, the basic idea of reform is "decoupling, classification, decentralization, and enlivening." The measures for management of officials of Party and government organs were no longer suitable for management of staff of public institutions, the personnel system for staff of public institutions should be decoupled from the personnel system for officials of Party and government organs, and the administrative ranks in public institutions should be abandoned and the staff of public institutions were no longer determined according to the administrative ranks; according to different social functions, funding sources, and job natures, on the basis of establishing the functions and responsibilities for different types of public institutions, we should further enlarge the decision-making power for personnel management of public institutions and establish and improve the self-restraint mechanism for personnel employment in public institutions; we should follow the principle of selecting officials in an open, equal, competitive and merits-based way, introduce a competition incentive mechanism, establish and implement an employment system, enliven the wage distribution system, and establish a vibrant personnel and official management system.

[3] "Significant Achievements Were Made in the Organization Work of the Party Over the Past 13 Years," *People's Daily*, October 30, 2002.

(2) Selection and appointment of executives of state-owned enterprises. After the 3rd Plenary Session of the 11th CPC Central Committee, China's economic system reform has always focused on the reform of state-owned enterprises. The reform of state-owned enterprises has experienced the decentralization of power and transfer of profits and the establishment of the contracting system, and the emphasis was gradually shifted to the direction of establishing a modern enterprise system and the coexistence of multiple types of economic entities. The outstanding achievement in the reform of the personnel management system for executives of state-owned enterprises follows: enacting the laws to provide a legal basis for the management of executives of state-owned enterprises.

The *Company Law of the PRC*, the *Labor Law of the PRC*, the *Law of the PRC on Industrial Enterprises Owned by the Whole People*, the *Regulations on the Transformation of Operational Mechanism of the Industrial Enterprises Owned by the Whole People*, the *Regulations on Supervision and Administration of the State-owned Assets of Enterprises*, etc. were successively promulgated, forming the system for management of leaders of state-owned enterprises.

The *Company Law of the PRC* clearly specifies the qualifications and conditions of the leading members of incorporated enterprises. For example, no public servant may concurrently serve as a director, supervisor, or the general manager of a joint stock company, a limited liability company, or a wholly state-owned company. The director, the manager, and the person in charge of finance of an incorporated company shall not serve as a supervisor concurrently. In August 2000, the General Office of the CPC Central Committee issued the *Outline for Deepening the Reform of the Personnel System for Officials* approved by the CPC Central Committee, which clearly specifies the key points and basic requirements for further deepening the reform of the personnel system of state-owned enterprises. That is, we should establish and improve the mechanism for selection, appointment, incentive, and supervision of executives that suit the characteristics of enterprises and combine organizations' appraisal and recommendation with the introduction of market mechanism and open recruitment from the society. We should combine the principle of the Party supervising officials with the election of business managers by the boards of directors and the use of human rights by business managers in accordance with the law, improve the systems and methods, and establish a management system for the leaders of state-owned enterprises that are compatible with the socialist market economic system and the modern enterprise system.[4]

After more than half a century of development, China's mechanisms for official selection and appointment, management and supervision, and personnel training have undergone profound changes. The work related to officials and talents was made more scientific, democratic, and institutionalized to provide an effective institutional guarantee in building a contingent of high-caliber talents. This has effectively

[4]China Administrative Management Society, *A Brief History of Administration of New China*, People's Publishing House, 2002, pp. 513–519.

strengthened the Party's governance capacity and advanced nature and provided strong organizational guarantee and talent support for further advancement of reform, opening-up, and modernization.

3 The Reform and Development of the System for Selection and Appointment of Officials in the Twenty-First Century

Since the beginning of the twenty-first century, the CPC has attached great importance to the issue concerning the selection and appointment of officials. All the previous national congresses of the CPC have made major reforms and important arrangements in this regard.

In 2002, the report to the 16th CPC National Congress stated that: "It is essential to improve the systems of democracy, develop diverse forms of democracy, expand citizens' participation in political affairs in an orderly way, and ensure that the people go in for democratic elections and decision-making, exercise democratic management and supervision according to law and enjoy extensive rights and freedoms, and that human rights are respected and guaranteed." The report also stated that we should make a point of testing and identifying officials in the practice of reform and development so as to promote to leading positions in good time those who are accredited with ability, integrity, and outstanding performance and enjoy popular support.

The report to the 17th CPC National Congress in 2007 emphasized that: "Intensifying efforts to train and select outstanding young officials is of fundamental importance for carrying on the cause of the Party from generation to generation and for the long-term stability of the Party and the country." It stressed that "The essence and core of socialist democracy are that the people are masters of the country. We need to improve institutions for democracy, diversify its forms and expand its channels, and we need to carry out democratic election, decision-making, administration and oversight in accordance with the law to guarantee the people's rights to be informed, to participate, to be heard, and to oversee."[5] Under this principle, the CPC Central Committee selects officials on the basis of both their moral integrity and their professional competence and places special emphasis on moral conduct, scientific development, advocating hard work, attaching importance to community-level officials, encouraging innovation, and being recognized by the public. Comrade Hu Jintao pointed out during his inspection tour in Ningxia in 2007 that: "Party committees at various levels should create a clean environment for the change of office terms and give special attention to those officials who have long been working in places fraught with hardship and difficulties and those who work steadfastly without seeking undeserved reputation and should not treat unfairly those who are plugging away at their work and have laid the foundation for long-term development." He

[5] "The Decision of the CPC Central Committee on Some Major Issues Concerning Strengthening and Improving Party Building under New Circumstances," *People's Daily*, September 28, 2009.

also pointed out specially that: "we must ensure that honest people are not disadvantaged, and schemers do not get their way. This has always been the criteria of our Party for selecting and appointing officials."[6] To ensure that honest people are not disadvantaged, we must form a scientific official appointment mechanism. To this end, "we must further improve the assessment and evaluation mechanism for officials, treat officials objectively and fairly, scientifically and accurately identify officials, and ensure that those outstanding officials who are steadfastly working for the masses and who are working sincerely in the interests of the masses are in the sight of our organization departments."[7]

In 2012, the report to the 18th CPC National Congress clearly states that we should continue to deepen the reform of the personnel system for officials and build a contingent of competent key officials for governance; adhere to the principle of the Party exercising leadership over personnel management and attract outstanding individuals from all over for the cause of the Party and country; promote community-level Party building in an innovative way and consolidate the organizational foundation for the exercise of governance by the Party; unswervingly combat corruption and preserve Communists' political character of integrity; strictly enforce Party discipline and willingly uphold centralized leadership of the Party.[8] We will make Party building more scientific in all respects, and the Party's ability to innovate, power to unite, and energy to fight have all been significantly strengthened. Under the guidance of the spirits of a series of CPC national congresses, new progress has been made in the selection and appointment of officials.

In 2017, the report to the 19th CPC National Congress continued to uphold the principle of the Party supervising officials. It states that "In selecting and appointing officials, we must adopt the right approach, with emphasis on political performance. We will promote and put in important positions those Party officials who do well according to the following criteria: they maintain political integrity, think in terms of the big picture, follow the leadership core, and keep in alignment with the central Party leadership; they have full confidence in the path, theory, system, and culture of socialism with Chinese characteristics; they uphold the authority of the Central Committee and faithfully follow the Party's theories, lines, principles, and policies; and they are loyal to the Party, have moral integrity, and demonstrate a keen sense of responsibility. We will strengthen leadership teams at all levels by appointing competent officials."[9]

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[6]"Comment: We Should Not Treat Unfairly Those Officials Who Are Plugging Away at Their Work," *People's Daily*, May 18, 2007.

[7]Zhong Zuwen, "We Must Ensure That Honest People Are Not Disadvantaged," *People's Daily*, Jan. 11, 2008.

[8]Li Zhangjun, "Frontier Observation: Sticking to the Spiritual Pursuit of the Communists," *People's Daily*, November 20, 2012.

[9]Xi Jinping, *Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era Delivered at the 19th National Congress of the Communist Party of China- Report at the 19th National Congress of the Communist Party of China*, October 18, 2017.

3.1 Promoting Institutional Building in Selecting and Appointing Officials

The abovementioned important reports show that since the beginning of the twenty-first century, in addition to emphasizing democratic elections for selecting and appointing officials, the CPC has continued to promote democratic decision-making, democratic management, and democratic supervision of officials, which are detailed as follows.

First, in June 2000, the *Outline on Deepening the Reform of the Personnel System for Officials* (hereinafter referred to as the "Outline") was promulgated. The Outline summarizes and reviews the experience of the breakthroughs in the individual reforms of the personnel system for officials in the past 22 years and proposes the basic objectives, guidelines, and main measures for the reform of the personnel system for officials during 2000–2010 as a whole. It identifies the key points and direction of the reform of the personnel system for the "three teams" of Party and government officials, executives of enterprises, and leaders of public institutions. It is the first ten-year plan for the reform of the personnel system for officials in China.

Second, in July 2002, the *Regulations on the Work of Selecting and Appointing Leading Party and Government Officials* was promulgated. In April 2004, a series of new regulations were promulgated, including *Provisional Regulations on the Work of Open Selection of Leading Party and Government Officials*, *Provisional Regulations on the Work of Competition for Posts of Party and Government Organs,* and *Measures for the Plenary Sessions of Party Committees to Vote for Candidates to Be Appointed and Recommended Candidates for Chief Positions of Party and Government Leadership at the Next Lower Level*, which have strengthened the work of the open selection of leading officials. Among them, the *Regulations on the Work of Selecting and Appointing Leading Party and Government Officials* promulgated by the CPC Central Committee in July 2002 fully drew on the important achievements of the reform of the personnel system for officials over the years, fixed the successful practices and experiences in the form of intraparty laws and regulations, stipulated strictly the basic principles, procedures, and measures for selection and appointment of officials, formed the basic rules for selection and appointment of officials, further implemented democratic decision-making, and enlarged the right to participate. We have given play to the role of Party organizations in democratic decision-making and democratic deliberation. We have improved the working system that Party organizations should be responsible and report their work to the Party congresses or Party members' assemblies, and established and implemented the systems for regular visits by persons-in-charge of Party organizations, collecting and feed-backing of Party members' opinions, Party members' councils, etc. to actively unblock and broaden the channels for intraparty exchanges, understand various pending issues that Party members are concerned about, and collect relevant opinions and suggestions. These have provided an important institutional guarantee for the selection and appointment of officials and marked a major step in establishing a scientific mechanism for selecting and appointing officials.

Third, the "5 + 1" regulatory documents regarding open selection, competition for posts, etc. were promulgated in 2004; the two regulatory documents—*Provisional Measures for Persuasion and Admonition and Inquiry by Correspondence for Party Members in Leadership Positions* and *Provisional Regulations on Party Members in Leadership Positions' Reporting on Their Work and Their Efforts to Perform Their Duties Honestly* were promulgated in 2005; the *Regulations on the Work of Official Education and Training* (for Trial Implementation) and the regulatory documents for terms of office, exchanges, and avoidance were promulgated in 2006. These regulatory documents, together with the *Outline for Deepening the Reform of the Personnel System for Officials* and the *Regulations on the Work of Selecting and Appointing Leading Party and Government Officials*, have initially formed a sound working system for Party and government officials that are mutually supporting and effectively connected.

Fourth, on April 27, 2005, the 15th Session of the 10th NPC Standing Committee deliberated on and adopted the *Civil Servant Law of the PRC* (hereinafter referred to as the "*Civil Servant Law*"). At that time, President Hu Jintao signed Presidential Decree No. 35 to officially promulgate the *Civil Servant Law* and decided that it should be enacted from January 1, 2006. The *Civil Servant Law* is the first important law in China with the nature of a general constitution for personnel management of officials. It systematically summarizes the experience of personnel work for officials of the Party and the country over the past decades and draws on the new achievements of the reform of the personnel system for officials in the past more than 10 years. It has made breakthroughs in the selection and appointment of officials in four aspects.

First, the *Civil Servant Law* expands the scope of civil servants to cover seven types of people. That is to say, civil servants include not only functionaries of government organs, but also staffs of the Party organs, organs of people's congresses, political consultative organs, judicial organs, procuratorial organs, and organs of democratic parties.

Second, the *Civil Servant Law* introduces the system of resigning due to faults and being ordered to resign. It highlights the strict management of civil servants, mainly including establishing the strict rules of conduct and the assessment and punishment system; specifying nine basic obligations and 16 basic work disciplines for civil servants; linking the results of the assessment to promotion and demotion, rewards and dismissals; establishing the system for resigning to take blame and resigning in charge for leading members; and imposing strict post-resignation job restrictions. It stipulates that "Where a civil servant resigns his public office or retires, he shall not take any post in an enterprise or any other profit-making organization, which is directly related to his original work or business, and shall not engage in any profit-making activity directly related to his original work or business within three years after he leaves his post, if he is a leader before resignation; while for other civil servants, the time limit is two years." It unifies the wage standards and cancels seniority pay. "The state shall investigate and compare the wage levels of civil servants and the counterparts in enterprises on a periodic basis, and the results thereof shall be the basis for adjusting the wage levels of civil servants."

Third, it introduces the appointment system for civil servants. For the first time, it clearly states that a state organ may adopt an appointment system to meet its demands for high-level technical professionals and reduce labor costs. For those posts with strong specialty and with supplementary features, a state organ may make an appointment through a direct selection of those who satisfy the requirements from the society, and the appointment system can serve as a supplementary form of civil servant appointment to further improve the structure of the civil servant team. The civil servant posts are classified into such categories as comprehensive administrators, technological professionals, and administrative law enforcers. Work results are the key points in civil servant assessment. In the assessment of a civil servant, the morality, capability, diligence, achievement, and uprightness thereof shall be assessed in an all-round manner according to the power limit of administration, where focus shall be put on the practical achievements of his work. A civil servant exchange system is adopted by the state. Civil servants may be exchanged within the troop of civil servants or may be exchanged with those personnel undertaking public office in state-owned enterprises, public institutions, people's associations, or private organizations. The *Decision on Implementing the Exchange System for Leading Officials of the Party and State Organs* issued in 1990 strengthened the efforts to promote the exchange of Party and government officials holding principal leadership positions and officials in key departments such as departments of personnel organization, discipline inspection, and supervision, as well as public security organs, procuratorial organs, and people's courts. The system of exchange, avoidance, and rotation has been adopted for some important posts and positions.

The *Civil Servant Law* also stipulates that the candidate of a judge or prosecutor for the first time may be selected through an open selection from those who have obtained the relevant qualification through the judicial examination as uniformly organized by the state in the society. In February 1995, the 12th Session of the 8th NPC Standing Committee adopted the *Judges Law of the People's Republic of China* and the *Public Procurators Law of the People's Republic of China*, marking the initial formation of the judge system and the prosecutor system.

In addition, China's civil service system has also adopted occupational classification, introduced a competition mechanism, strengthened the metabolic mechanism, established a clean government guarantee mechanism, and adopted a mandatory examination mechanism, basically forming an employment mechanism for selecting officials in an open, equal, competitive, and merits-based way. We have established the official management mechanism with the chance for both promotion and demotion and the chance for both employment and termination of employment; and competition for posts has gradually become the main approach for the promotion of civil servants at various ranks. The training of civil servants has become a routine work, the transparency of personnel work and the intensity of democratic supervision were strengthened, and the mechanism for protection of civil servants' rights has been established, further promoting the legalization and institutionalization of official management.

Fourth, from 2006 to 2007, the *Trial Measures for the Administration of Post Setting in Public Institutions* and its implementation opinions, as well as the guidance

opinions of 11 subsectors were issued, which clearly stipulated for the first time that the posts of public institutions are classified into three categories: management posts, professional and technical posts, and work and technical skill posts. This marked another major step in personnel management in public institutions.

In this context, innovative practices of personnel reform were also actively carried out throughout China. In August 2003, 49 government departments in Shanghai conducted comprehensive online evaluations to allow citizens to score various departments online. In November of the same year, the General Office of Shanghai Municipal Government issued the *Trial Measures for Evaluation and Assessment of the Websites of Departments of Shanghai Municipal Government*, which set the institutional norms for online evaluation of government work. In December 2001, Nanjing launched the activity of "10,000 persons commenting on government organs," which focused on evaluating bureau-level units, and the work of a total of 90 units was evaluated, including the municipal Party committee, the people's congress, the government, the political consultative conference, the commission for discipline inspection, the court, the procuratorate, and their directly affiliated units. A total of 8,348 copies of comment forms were distributed, and 6,373 copies were returned, with a recovery rate of up to 76.34%. 374,000 questionnaires were distributed, and more than 36,380 pieces of opinions and suggestions were received. More than 10,000 people participated in the evaluation activity. The top 10 units in this 10,000-person evaluation activity were commended, and the five units at the bottom of the list were punished. As the evaluation results were dissatisfactory, the two directors of the Real Estate Management Bureau and the Urban Appearance Bureau were removed from administrative posts.[10] For example, a community in Chaoyang District of Changchun City established a feedback system for the collection and feedback of Party members' opinions. The Babu District of Hezhou City, Guangxi Province, established a council for representatives of Party members at the village level. In 2007, the district held a total of 1,356 Party members' council meetings, and the number of participated Party members reached 1,461 person-times. The number of topics discussed was up to 1,669, 1,537 motions were formed, and 1,533 resolutions were adopted after being discussed by the branch Party committee.[11]

In addition, state-owned enterprises comprehensively promoted the reform of the personnel system with a focus on establishing a sound leader selection, appointment, motivation, and supervision mechanism. The *Regulations of the Communist Party of China on Internal Oversight* clearly stated that the main contents of intraparty oversight should include "adhering to the standards to assess the caliber of officials, adopting the right approach in selecting and appointing officials, and implementing the regulations on selection and appointment of officials." It proposed that "the key targets to be supervised within the Party are the leading Party organizations

[10] "Mass Appraisal in Nanjing: Two Directors Dismissed," Sohu News Network (http://new.sohu.com/76/69/news147936976.shtml), February 21, 2002.

[11] "Babu District, Hezhou City, Guangxi: 'Four Rules' Solidly Promoting Openness of Party Affairs," China Communist Party News Network (http://dangjian.people.com.cn/GB/12670383.html), Sept. 8, 2010.

and their officials, especially the paramount decision-making leaders"; "in intra-party oversight, we must strengthen the oversight over the main responsible persons of Party organizations and leading officials in key positions and focus on overseeing their political stance, strengthening Party building, administering the Party strictly, implementing the Party's resolutions, selecting officials fairly and honestly, daring to take responsibilities, adhering to honesty and self-discipline and implementing the ideological work responsibility system;" "the relevant personal matters of main responsible persons of Party organizations should be disclosed in a certain scope within the Party to positively accept the oversight." It has further optimized the Party's official work and improved the mechanism for official selection and assessment. Focusing on establishing and improving the board of directors of large-scale companies in the country, the work on improving the corporate governance structure is properly promoted; the benefit-centered performance appraisal system is generally implemented throughout the country, and the results of appraisal and evaluation are linked to the appointment, dismissal, rewards, and punishments; based on the requirement for establishing the modern enterprise system, we should improve the corporate governance structure, establish and improve the mechanism for selection, appointment, incentive, and supervision of leaders who are suitable for the characteristics of the enterprises; we should generally implement the property right representative appointment system and the company manager appointment system, and many small and medium-sized enterprises have selected their leaders through open recruitment, democratic elections, etc. and implemented the system of competition for positions for the middle management of companies. Meanwhile, the construction of various types of talent markets at all levels is playing an increasingly important role in the allocation of enterprise management talent resources.

Great progress has been made in the reform of the personnel system of public institutions. Since 2002, the engagement system of public institutions has been fully implemented throughout the country. According to statistics, as of 2015, the engagement system for public institutions has basically achieved full coverage throughout the country, and the rate of signed employment contracts has exceeded 93%. The system for post setting of public institutions throughout the country has basically established, and the completion rate of post setting was over 95%. The implementation rate of the open recruitment system of public institutions reached 91%. Special action for rectifying serious problems in open recruitment of public institutions was organized and carried out throughout the country, in which 421 cases involving violations of laws and discipline were investigated and identified, 495 candidates were verified and punished, and the responsibilities of 37 officials and staff were seriously investigated and affixed.[12]

[12] *Personnel System—Full Coverage of the Engagement System of Public Institutions*, Hualong.com (http://news.cqnews.net/html/2016-06/01/content_37069055.htm), June 1, 2016.

3.2 *Innovation in the System for Selection and Appointment of Officials*

During this period, the CPC Central Committee promoted practical innovation in the selection and appointment of Chinese officials in accordance with the requirement of "comprehensively carrying forward the great new undertaking to build the Party in a spirit of reform and innovation," which was mainly reflected in the establishment of community-level democratic systems within the Party.

3.2.1 The System for Promoting Transparency in Party Affairs

It mainly covers the following three aspects. First, the public oversight mechanism was established and improved. For example, the Party organizations of townships, subdistricts, and villages in some areas have established their groups for public oversight over Party affairs. A certain number of people are selected from the delegates of Party congresses, deputies to the people's congresses, members of the political consultative conferences, retired officials, and representatives of ordinary people to serve as supervisors for overseeing transparency in Party affairs at the same level or below.

Second, to establish and improve the accountability mechanism for promoting transparency in Party affairs, specify the responsible persons in all aspects of the work for transparency in Party affairs and link the results of the assessment of transparency in Party affairs with the rewards and punishments for leading officials.

Third, to improve the institutional framework for promoting transparency in Party affairs, covering the system for collection and feedback of opinions and recommendations on transparency in Party affairs, the regular notification system, the document consulting system, the information reporting system, the regular meeting system, the supervisor system, the supervision and inspection system, and the accountability system.

3.2.2 Reforming the Community-Level Electoral System

It mainly covers the following five aspects. First, the candidate nomination system was improved. To change the actual situation in which the intention of Party organizations was overemphasized in the nomination of responsible persons of Party organizations at community level and the weight of the opinions of Party members and the masses was on the low side, endeavors were made to improve the candidate nomination work. Investigations were carried out in advance so as to identify the candidates anticipated by the majority of Party members. The conditions for candidates were determined scientifically, and the qualifications of candidates were determined based on the considerations of Party organizations and the will of the majority of Party members. Candidates nominated by Party organizations were combined with

candidates jointly nominated by Party members or representatives of Party members so that candidates nominated reflected both the will of the electors and the guiding function of the Party organizations. For example, the democratic election of members of the Party branches of the companies of the Xinjiang Production and Construction Corps was generally carried out through "nomination and recommendation by the Party organization at the higher levels," "nomination and recommendation by the Party organizations at the community level," "joint recommendation by officials who are Party members, the staff, and the masses," "self-recommendation by individual Party members" and other forms, ensuring that community-level democracy within the Party was first reflected in the candidate nomination system. In Futian District, Shenzhen, in the reelection of members of the Party organizations of 8 communities that practiced public recommendation and direct election, candidates were all recommended by the masses or self-recommended by Party members, and the power for the initial nomination was transferred to Party members, marking a huge change in the candidate nomination method.

Second, we have changed the ways through which candidates are introduced, mainly involving the ways through which candidates are introduced by their Party organizations, the Party organizations of the electoral units, and the presidium of the Party member congress. We have improved the ways candidates introduce themselves, mainly involving organizing face-to-face interactions between candidates and Party members and election speeches to reduce the blindness of electoral votes; and introducing candidates through television programs, newspapers, the Internet, hotline, and other means. For example, the image of candidates of the Party Branch of the Road Maintenance Department of Dongping County Highway Administration Bureau in Shandong Province was presented through multimedia technology; some candidates of the community-level Party organizations in Yanji City, Jilin Province, were introduced by the Internet and hotline.

Third, we have improved the electoral system within the Party. It mainly includes two types: "two recommendations and one election" or "three recommendations and one election." For example, in March 2008, 1,650 village-level Party organizations (accounting for 89% of the total number of Party organizations) in Shanghai elected their new leadership teams through the approach of "two recommendations and one election". "Three recommendations and one election" is an extension of "two recommendations and one election" by adding Party members' self-recommendation. For example, in 2005, the Party organization of a community in Gucheng Street, Shijingshan District, Beijing, carried out elections through "three recommendations, two examinations, and one election" on a trial basis. In the first half of 2008, 583 communities in Shenzhen generally adopted "three recommendations, one appraisal, and one election" for the reelection of leadership groups of their Party organizations, of which 495 adopted "double directions" to generate their leadership groups, accounting for 86%. Second, "public recommendation and direct election." For example, in 2007, 76% of community-level Party organizations in Jinan City, Shandong Province, adopted the approach of "public recommendation and direct election." In 2007, more than 86% of village- and community-level Party organizations in Sichuan adopted the approach of "public recommendation and direct election." In addition, in 2008,

the Party organization of a village in Jiangbei District of Ningbo City adopted the approach of "mass election" for electing its leadership group for a new term of office. The cities of Changsha, Hengyang, and Zhuzhou in Hunan also reelected the members of their Party branches and the villagers' committees through "direct ballot on a one-person-one-vote without a candidate."

Fourth, strict electoral procedures were established. It mainly includes setting election procedures and election methods scientifically. In ballot paper design, the names of candidates are arranged in the order of the number of strokes in the surnames, the place where ballot papers are marked can fully reflect the electors' independent choice, and the voting method is scientific and reasonable; the strict requirements for organization, implementation, management, and supervision of democratic election. The party organizations at the higher levels strictly identified the relevant technical problems arising in the pilot program through the norms, continuously improved and refined the pilot methods for the election of members of community-level Party leadership groups, and established strict electoral rules, procedures, and disciplines. The openness of electoral procedures enables the majority of Party members to clearly understand the entire process of elections in order to better exercise their right to choose.

Fifth, to expand the scope and proportion of high-level multicandidate election and further improve the multicandidate election system. Since the 13th National Congress of the Communist Party of China first promoted the election of the Central Committee members and the alternate members of the Central Committee in 1987, the same pattern of elections in the past has become history. Before the 17th National Congress of the Communist Party of China, the Central Committee. There have been several practices in the election of the difference between the central and alternate members, but the difference is not more than 10%. The proportion of the members of the Central Committee of the 16th National Congress of the Communist Party of China and the alternate members of the Central Committee is 5.1%, 5.7%, and 5.8%, and the proportion of the party's representative is 10%; and the seventeenth national representative. At the conference, the proportion of the central committee members is 8.3%, and 9.6%, respectively, difference is 15%, and the party's internal democracy has achieved a major breakthrough.[13]

3.2.3 Strengthening Democratic Oversight and Safeguarding the Power of Oversight of Party Members

First, carrying out democratic deliberation on the work reports of the leadership groups of community-level Party organizations. For example, through convening general meetings of Party members, making democratic evaluation, and other means, Party members can democratically appraise Party organizations and leadership

[13] "Significant Achievements of the Party Organizations in the Past 13 Years," *People's Daily*, October 30, 2002.

groups, and the results of an appraisal of Party members on Party organizations and leadership groups are announced timely within the Party.

Second, the appraisal results are linked to rewards, punishments, and promotion of officials to form a binding force on them. For example, the "double-debriefing and double-appraisal" assessment system was implemented in various townships and towns in Tongzhou District, Beijing. Heshi Village, Zhuzhou City, Hunan Province, linked the supervision and appraisal by Party members and the masses with the remunerations of the members of the Party organization in the village.

Third, promoting the accountability system at the village/urban neighborhood committee level. Through holding an accountability meeting, village leaders can regularly make important affairs known to Party members and representatives of the masses and accept their inquiries and comments.

Fourth, exploring an effective mechanism for combining supervision inside and outside the Party. Representatives of Party members, retired officials, and ordinary people can form a supervision group or act as supervisors to exercise full-process supervision over major issues such as reelection of members of the Party branches and villagers' committees, construction of village sites, and village-level financial management. For example, Nanhu Subdistrict in Changchun City, Jilin Province, set up a "government affair supervision group" to supervise the Party and government affairs of subdistricts and communities, the law enforcement behaviors of law enforcement units, and the work of the public service departments.

Fifth, strengthening the self-monitoring role of democratic life meeting. First, establishing a pre-meeting opinion-soliciting system. For example, the leadership groups of some community-level Party branches in Inner Mongolia have solicited opinions from Party member representatives at the corresponding level on the leadership groups and leading officials before convening a democratic life meeting. Second, establishing an assessment and evaluation system for democratic life meetings, mainly including pre-meeting opinion-soliciting, and criticism and self-criticism during the meetings, and implementation, notification, and feedback of rectification measures. Third, improving the supervision and guidance system. The Party organization at a higher level should keep informed of the relevant situation of the party organization at a lower level and its leading members and give guidance and supervision over the implementation of the corrective measures adopted at a democratic life meeting. The information on the democratic life meeting should be taken as an important basis for evaluating the leadership groups; whether the leading officials participate in the democratic life meeting and their performance at the meeting should be included in their annual appraisal and promotion appraisal to avoid any formalistic democratic life meeting. For example, the democratic life meetings of community-level Party organizations in the Xinjiang Production and Construction Corps adhere to the following principle: the democratic life meeting should not be convened until opinions are fully solicited from the public, the theme of the meeting has been clearly identified, and the implementation plan is approved; the democratic life meeting should convene again if there is no criticism, self-criticism, the problems are not clearly identified, and the rectification measures are not specific or not implemented.

3.2.4 Strengthening the Incentive and Restraint Mechanism in Supervision and Giving Play to the Supervisory Role of Democratic Deliberation

It mainly includes the following six aspects: First, we should gradually establish and improve the reward mechanism, commend and reward meritorious persons who file charges or expose major violations of laws and discipline according to relevant stipulations, and keep secret the informants.

Second, establishing a feedback mechanism for supervision opinions. The units or individuals involved must reply responsibly within a time limit the questions, opinions, and suggestions put forward by Party members.

Third, establishing a system of accountability. It is strictly forbidden to infringe on the democratic rights of Party members, suppress criticisms or to retaliate against or frame a member. Any offending organization or individual must be investigated and punished timely and resolutely according to Party discipline and the laws of the state.

Fourth, establishing and improving the appraisal mechanism and incentive and restraint mechanism for the leadership to perform supervisory duties. We should gradually implement the system of debriefing of the Party congress, and dismiss the Party representatives who fail to fully perform their duties according to law.

Fifth, strengthening supervision and inspection of Party organizations and Party members and leading officials regarding intraParty supervision.

Sixth, establishing and improving the full accountability mechanism. In July 2009, the General Office of the CPC Central Committee and the General Office of the State Council issued the *Interim Provisions on the Implementation of the Accountability System for Leading Officials of the Party and Government*. This marks the expansion of the scope of the accountability of executive leadership in the past to the relevant Party and government leaders. In accordance with the principle of graded responsibility, we should implement the supervisory accountability system, and the persons concerned should be held accountable if any serious problem occurs due to poor supervision.

In the new era, "humanism" and "ethical spirit" are reflected in the selection and appointment of officials. Moral quality is the basic requirement and precondition for being a good official, and Party spirit should be based on humanity. In particular, the selection and assessment of leading officials who are Party members should be based on their moral quality. No one who fails in the appraisal of moral quality should be promoted as a leading official or reserve candidate, and leading Party members in key and important positions should be more rigorously appraised. We should vigorously create and advocate a supportive learning atmosphere and improve the personality cultivation and Party self-discipline of the Communists to ensure the great personality of the Communists through positive guidance, ethical education, and necessary organizational means.

In addition, with the introduction and implementation of the classified and graded management and the principle of the Party supervising talents, Party committees at

various levels and their organizational departments adhere to the concurrent management of the "three teams" and further strengthen the macro guidance for the leadership of talent work and the reform of personnel systems in enterprises and public institutions. The attraction, cultivation, and selection of all kinds of talents have taken on a new look. Meanwhile, enterprises and public institutions have gradually changed the situation where Party and government officials serve as their leaders, and the pattern of classified management for officials has basically taken shape. Focusing on establishing and improving the mechanism for selection, incentive, and supervision of leaders, the reform of the personnel system of state-owned enterprises has been comprehensively promoted. Coupled with the reform of the state-owned assets management system, the graded management system for leaders of state-owned enterprises was initially established. Focusing on establishing and improving the board of directors of large companies throughout the country, the work of improving the corporate legal person governance structure has been steadily advanced. With open recruitment as a breakthrough, we are actively exploring new mechanisms for selecting and appointing leaders in state-owned enterprises. Openly recruiting senior managerial personnel at home and abroad has generated good results. Efforts are strengthened in the appraisal of enterprises and management personnel, and the appraisal and evaluation mechanism for managerial personnel suitable for the characteristics of enterprises has gradually improved. Focusing on the implementation of the employment system and the post management system, the reform of the personnel system of public institutions has made positive progress. We have formulated the reform opinions on the personnel system of public institutions in the fields of scientific research, health, colleges and universities, primary and secondary schools, radio and television stations, culture, news, and publications. We have vigorously promoted the personnel engagement system of public institutions and invigorated the appointment mechanism of public institutions. We have further improved the post management system, practiced setting posts on need, competing for the posts, employing by posts and contract management, and promoted the change of personnel management of public institutions from status management to post management.

3.3 Summary and Outlook of Experience in Official Training and Selection

Over the past 60 years and more, China has accumulated a wealth of experience in the reform of the official training and selection system and formed many regularities. This has important implications for the CPC to further promote, deepen, and improve the reform.

According to the requirements and arrangements of the CPC Central Committee at the previous CPC national congresses since the reform and opening-up, the contents of training and selection of officials can be roughly summarized as follows:

First, we must set a goal to promote the official work in a scientific, democratic, and systematic way. Second, we must establish two mechanisms, namely, the scientific official selection and appointment mechanism and the management supervision mechanism. Third, we must make concerted efforts to jointly build "the three teams" to form the classified management systems with different characteristics of the Party and government organs, state-owned enterprises, and public institutions. Fourth, we must accelerate the reform of the important systems for selecting and appointing Party and government leading officials according to the requirements of enlarging democracy, improving assessment, promoting exchanges and strengthening supervision, and gradually form a mechanism full of vigor and vitality to enable talented people to find ways to distinction. Fifth, we must adhere to the five principles, namely, the principle of the Party supervising officials, the principle of appointing officials on their merits without regard to their origins and selecting officials on the basis of both their moral integrity and their professional competence with priority given to the former, the principle of promoting officials who are outstanding in performance and enjoy popular support, the principle of selecting officials in a democratic, open, competitive and merits-based way, and the principle of acting in accordance with the law.

Presently, based on these five experiences and principles, the CPC is focusing on enlarging democracy and ensuring the people's right to know, to participate, to vote and to supervise, and continuously improve the openness and transparency in the work of selecting and appointing officials. Democratic recommendation and evaluation have become the necessary procedures and basic links for training and selection of officials. The systems for investigation pre-announcement, pre-appointment notification, multicandidate election and probation periods, and the voting systems for officials holding principal positions and major issues have been fully implemented. The CPC upholds the principle of selecting officials in an open, equal, competitive, and merits-based way and has formed a scientific mechanism for the selection and appointment of officials. We have further standardized the nomination system for officials' training and selection, further improved the system for assessing the performance of officials and require leading officials to view their performance for what it is; improve the methods of open selection, competition for posts and multicandidate election; enlarge democracy in official work, and strengthen scientificness and authenticity of democratic recommendation and democratic evaluation.

After reform and opening-up, great achievements have been made in training and selection of leading officials, and all kinds of systems have been continuously improved to become a supporting scientific network system, forming the overall synergy of the systems and exerting the overall functions of the systems. However, it is undeniable that China's current deep-seated contradictions to be resolved in the selection of officials still exist. Especially under the conditions of reform and opening-up and the market economy, the political motivations of officials become increasingly complex and diverse; the pressure to manage and appoint officials by relying on the single-constrained incentive model is unprecedentedly increased; the behaviors of officials are increasingly complex and changeable, and the effective identification of officials is unprecedentedly difficult; the operation process of official

work is increasingly systematic and institutionalized, and the uncertainty of selection and appointment through complex procedures and the difficulty of correcting errors have been unprecedentedly increased; the growth process of officials and its rules are increasingly complex and diverse, and the variability of officials and the difficulty in liability traceability has unprecedentedly increased. To solve these problems, we need to constantly make corrections and improvements in practice.

Presently, China is opening up itself wider to the world and is engaged in an open cause. In this context, how the Party trains and selects officials are not just a matter within the Party, but a matter of concern to the whole Party, the whole society, and the whole world. The closed and mysterious personnel and official administration work in the traditional sense are far from being able to meet the requirements of the open era. This requires that in the selection and appointment of officials, we must break away from the mystery, stay more open proactively to the society, the public and the world, and more consciously enhance its openness and transparency. We should create an environment that enables a large number of outstanding talents to come to the fore, attract outstanding talents to the cause of the Party and the country, and pool the wisdom and creativity of outstanding talents to improve the Party's governance capacity so as to provide strong personnel support and organizational guarantee for building a well-off and harmonious society in all respects.

Chapter 6
China's Discipline Inspection and Supervision System

Gaiwei Tian

As the ruling party of China, the CPC attaches great importance to conducting checks and oversight over the exercise of power within the Party and over the exercise of the state's administrative power and has gradually established the discipline inspection and oversight system of the Party and governments at various levels, and formed a series of discipline inspection and supervision mechanisms, procedures, and regulations. The discipline inspection organizations of the CPC at various levels and the administrative supervisory organizations of the administrative organs at various levels work together as one office while keeping separate and handle official affairs and cases jointly, which plays a vital institutional supervision role in maintaining honest and efficient political operation of the ruling party and the government. As an important system for checks and oversight over the exercise of the power of the Party and the government, discipline inspection and supervision is an important part of the socialist political system with Chinese characteristics.

1 The History of the Establishment and Development of China's Discipline Inspection and Supervision Systems

In the development of the CPC and the modernization drive of new China, different requirements were set for the discipline inspection and supervision systems in different development periods. The discipline inspection and supervision systems of the Party and government organs at various levels in China were established, developed, and improved with the advance of the times according to the practical needs, and present different characteristics in different times and stages.

G. Tian (✉)
Beijing, China
e-mail: tiangw@cass.org.cn

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1.1 Development of the Discipline Inspection and Supervision System Within the CPC

Since its birth, the CPC has attached great importance to discipline supervision and regards maintaining Party discipline and preventing corruption and deterioration of Party members as an important guarantee for maintaining the solidarity and unity of the Party and enhancing its cohesion and readiness to meet challenges. The CPC has gradually established a series of systems, and with its development and the changes in its historical missions, its supervision system has also undergone a process of gradual development and improvement.

1.1.1 Establishment of the Party's Supervision System in the Years of the Revolutionary War

In July 1921, the CPC convened its first national congress. Although the number of Party members throughout the country at that time was still very small, the Party's first program adopted at the congress clearly defined Party discipline and supervision. At the 5th CPC National Congress in April 1927, the Central Supervisory Commission of the CPC consisting of 10 members was constituted through elections, marking that the intraparty supervision system was initially established. On June 1, 1927, the *Resolution on the Third Amendment to the Constitution of the Communist Party of China* was adopted at the meeting of the Politburo, and a chapter entitled "The Supervisory Commission" was added to the Constitution. It proposed that "the central and provincial-level supervisory commissions shall be elected at the national people's congresses and provincial-level people's congresses." "Members of the central and provincial-level supervisory commissions shall not concurrently serve as members of the Party's Central Committee and provincial-level committees." "Members of the central and provincial supervisory commissions shall participate in the meetings of the Party's Central Committee and provincial-level committees, but only have the right to speak but have not the right to vote." "The Party's Central Committee and provincial-level committees shall not abolish the resolutions of the central and provincial-level supervisory commissions; however, the resolutions of the central and provincial-level supervisory commissions shall come into effect and be enacted upon approval by the Party's Central Committee and provincial-level committees. In case the central supervisory commission or a provincial-level commission disagrees with the opinions of the Party's Central Committee or a provincial-level committee, the relevant issue shall be handed over to the joint meeting of the central supervisory commission or a provincial-level commission and the Party's Central Committee or a provincial-level committee. If it cannot be settled at the joint meeting, it will be handed over to the provincial-level and national congresses or to the supervisory commission at a higher level for settlement.

In June 1928, the 6th CPC National Congress was held in Moscow. According to the problems and conditions faced by the Party at that time, "the Supervisory

Commission" was amended to "the Examination commission" in the constitution of the Party, which proposed that "to supervise the finance and accounting of Party departments at various levels and the work of the organs at various levels, the Party's national congress and Party congresses at provincial, city and county levels shall elect the central examination commission or examination commissions at provincial, city and county levels."

At the beginning of 1933, the temporary political bureau of the CPC Central Committee moved from Shanghai to Ruijin, Jiangxi. According to the new situation, in September 1933, the CPC Central Committee adopted the *Decision on Establishing the Central Party Affairs Committee and the Supervisory Commissions at Provincial and County Levels in the Central Soviet Area*, and the central and local examination commissions were replaced by the Central Party Affairs Committees and the supervisory commissions at provincial and county levels in the Central Soviet Area. In January 1934, at the 5th Plenary Session of the 6th CPC Central Committee, Li Weihan, Chen Yun, and Li Fuchun were elected as the principal leaders of the Central Party Affairs Committee. Shortly thereafter, the supervisory commissions at provincial and county levels were constituted through elections in various provinces and counties. The decision stipulated that "the resolutions of the Central Party Affairs Committee on punishment of organizations and individual Party members shall be reported to the CPC Central Committee for approval, and the power for making resolutions of the supervisory commissions at provincial and county levels on punishment of organizations and individual Party members shall belong to the committees at the corresponding levels." The Central Party Affairs Committee is the highest organ that decides the punishment of organizations and individual Party members before the convening of the CPC national congress. Anyone who disapproves of the resolution of a supervisory commission or the Party affairs committee at the provincial or county level may appeal to the Central Party Affairs Committee." Thus, a systematic supervisory framework was formed within the whole Party.

In 1938, the CPC convened the 6th enlarged Plenary Session of the 6th CPC Central Committee, reaffirming the Party's discipline. The meeting formulated and adopted the *Decision on the Working Rules and Disciplines of the CPC Central Committee*, *Decisions on the Working Rules and Disciplines of Party Departments at Various Levels*, *Decisions on the Interim Organizational Structures of Party Committees at Various Levels*, and other documents, which clearly specified the requirements for the work tasks, responsibilities, and organizational discipline of the CPC Central Committee and Party departments at various levels and proposed to set up a supervision commission under the Party committee that is constituted by Party members' representatives through elections to make the Party's discipline inspection work more specific. In March 1943, the Political Bureau of the CPC Central Committee decided to put the Central Party Affairs Committee under the management of the Organization Committee of the CPC Central Committee.

In 1945, the 7th CPC National Congress was held in Yanan and a new constitution of the Party was adopted at the congress. The new constitution of the Party abolished the provisions adopted at the 6th CPC National Congress on establishing an examination commission, decided to restore the Party's supervisory commission, and added

a chapter on the Party's supervisory organs which clearly specified the measures for election, functions, powers, and leadership system of the Party's supervisory organs.

After the 7th CPC National Congress, due to the rapid changes in the revolutionary situation, the Party's supervisory organs were not established in accordance with the Party Constitution, and the Party committees at all levels were responsible for the Party's disciplinary supervision work. However, according to the actual needs of the revolution, the CPC had adopted a series of measures to strengthen discipline supervision and improve the Party's ability in a centralized and unified leadership. For example, the *Three Main Rules of Discipline and Eight Points for Attention* were re-enacted; in January 1948, the CPC Central Committee adopted the *Regulations on Establishing the Reporting System*, and in September, it adopted the decision *On Improving the System of Party Committee,* which further clarified the functions of Party organizations and leading officials at various levels and provided a further institutional guarantee for the Party's collective leadership.

In short, during the revolutionary war period, the Party's discipline supervision system suited the needs of Party building, effectively safeguarded the solidarity and unity of the Party, and played the role of institutional guarantee for ensuring the Party to maintain its purity, improve its combat capabilities, and ultimately lead the Chinese people to seize the power.

1.1.2 Development of the Party's Discipline Inspection and Supervision System After the Founding of the People's Republic of China

The People's Republic of China was founded on October 1, 1949. Ever since, our party has evolved from one that led the people in the fight for seizing the power nationwide to one that has led the people in exercising the state power and to a party in power for a long period of time. Its historical position and missions have undergone tremendous changes. Continuing to maintain its fine styles is a critical issue facing the ruling party, and discipline inspection and supervision becomes much more important.

At the 3rd Plenary Session of the 7th CPC Central Committee in November 1949, the CPC Central Committee adopted the *Decision on Establishing the Central Commission for Discipline Inspection and Local Commissions for Discipline Inspection of the Communist Party of China at Various Levels* and established the Central Commission for Discipline Inspection composed of 11 members, with Zhu De as secretary. In February 1950, the *Working Rules of the Central Commission for Discipline Inspection* was promulgated. By the end of 1950, most of the local Party committees at the prefecture and county levels had established their discipline inspection commissions. By the end of 1954, there were more than 7,200 full-time discipline inspection officials throughout the country. From 1949 to the end of 1954, the Party's discipline inspection commissions at the central and local levels resolutely coped with various illegal and undisciplined acts or behaviors within the Party based

on the Party's political line and various specific policies and had investigated and handled more than 300,000 cases of breaking the law and violating the discipline.[1]

On March 31, 1955, according to the new development situation of the Party and the society, the *Resolution of the National Congress of the Communist Party of China on the Establishment of the Central and Local Supervision Commissions* was adopted, and the Central Supervision Commission which composed of 15 members and 6 alternate members with Dong Biwu as the secretary was constituted through elections. The resolution stated that "the organizations and powers of the Party's commissions for discipline inspection at various levels no longer suit the task of strengthening Party discipline at the new stage of class struggle. Therefore, the CPC National Congress decided to establish the central and local supervisory commissions of the Party at various levels to replace the Party's central and local commissions for discipline inspection at various levels to strengthen the Party's discipline and cope with all kinds of violations of law and discipline among Party members." The resolution emphasized that Party members who violate state laws and ordinances should receive disciplinary punishment of the Party or be punished by the Party's supervisory commissions apart from being tried by the people's court or punished by the governments' supervisory organs. The central and local supervisory commissions of the Communist Party of China were responsible for regularly investigating and handling the cases in which Party members violated the Party Constitution, Party discipline, and state laws and ordinances.

Compared with the discipline inspection commissions established in 1949, the status of the supervisory commissions was improved and their functions were expanded. First, the Central Supervisory Commission was elected by the CPC National Congress, and local supervisory commissions were elected by local Party congresses or Party representative meetings. Second, the powers were expanded. The supervisory organs not only supervised the Party organizations at the same and lower levels, the Party members and officials, but also had the responsibility of supervision over the Party committees at the higher levels. The resolution stated that the Party's central and local supervisory organs had the power to inspect and handle cases in which Party members violated the Party Constitution, Party discipline, and the laws of the state. Any member of the Central Committee or a local committee at any level who violated the Party constitution, Party discipline or the laws of the state should be dealt with by the Party committee at the corresponding level, but when necessary the supervisory commission of the Party committee at a higher level had the power to deal with the case directly. The Party's central and local supervisory commissions had the power to investigate the cases involving the violation of the Party Constitution, Party discipline, and the laws of the state by Party organizations at the lower levels and to report the handling opinions to the Party committees at the corresponding levels. Higher supervisory commissions of the Party had the power to examine the work of lower supervisory commissions and to examine, approve, and modify their decisions

[1] Xiang Qu, *On Discipline Supervision of the Communist Party of China*, the CPC Central Party School Press, 2009, p. 67.

on any case. When a local supervisory commission examined a member of the Party committee at the same or higher level, and removed from office an official in the list of names for official positions managed by the Party committees at the same or higher level, it must gain the approval of the Party committee at the same or higher level. If a local supervisory commission considered that the decision of the Party committee at the same level was inappropriate, it had the power to submit an appeal to the Party committee at the higher level. In 1962, at the 10th Plenary Session of the 8th CPC Central Committee, the *Decision on Strengthening the Party's Supervisory Organs* was adopted, which set stricter requirements for the supervisory organs at various levels. At the meeting, 20 members and 21 alternate members of the Central Supervisory Commission were added through election, bringing the number of members of the Central Supervisory Commission to 61.

While the Central Commission for Discipline Inspection and the Central Supervisory Commission were established, all the central bureaus and sub-bureaus of the Central Committee, provincial Party committees, district Party committees, municipal Party committees, prefectural Party committees, county committees, and even primary-level factories and mines had successively established their Party supervisory organs. Local supervisory organs at various levels functioned under the leadership of the Party committees at the corresponding levels and the commission for discipline inspection at the higher level. By the end of 1956, there were about 14,000 full-time supervisory officials throughout the country[2] and the supervisory team grew rapidly.

From 1956 to 1966, during the 10 years of socialist construction after the founding of the People's Republic of China, the discipline inspection and supervisory organs of the CPC achieved fruitful results. However, due to some mistakes in the Party's guiding ideology during this period, the supervisory work of the CPC was also affected. In the previous political movements, wrong sanctions were given to a group of Party members and officials. In January 1969, the Central Supervisory Commission was abolished. In the Party constitution adopted at the 9th CPC National Congress in 1969 and the 10th CPC National Congress in 1973, the provisions on the Party's supervisory organs and Party discipline were abolished. The Party's supervisory organs ceased to exist and Party discipline was severely undermined.

1.1.3 Continuous Improvement of the Discipline Inspection and Supervision System Since the 3rd Plenary Session of the 11th CPC Central Committee

In August 1977, the Party constitution newly adopted at the 11th CPC National Congress does not specifically devote a chapter on "Party supervisory organs" and "Party discipline," and only has a chapter on "the Party's Organizational System." The Party's Central Committee, local committees at and above county level, and

[2]Xiang Qu, *On Discipline Supervision of the Communist Party of China*, the CPC Central Party School Press, 2009, p. 67.

committees of army units at a regimental level have established their commissions for discipline inspection. It also stipulates that the commissions for discipline inspection at all levels should be elected by the Party committees at the corresponding levels and function under the leadership of Party committees at the corresponding levels. As various undertakings in the country needed to be reconstructed, it was impossible to immediately restore the organs for discipline inspection. The work on discipline supervision was temporarily undertaken by the organizational department at various levels.

In December 1978, at the 3rd Plenary Session of the 11th CPC Central Committee, the Central Commission for Discipline Inspection with Chen Yun as the first secretary was constituted by election. Meanwhile, the Party's local organs for discipline inspection were established successively. In January 1979, the Central Commission for Discipline Inspection held its first working meeting and adopted the *Regulations of the Central Commission for Discipline Inspection on Missions, Functions and Powers, and Organizational Structure*. The Regulations proposed to strictly enforce Party discipline and punish Party organizations and party members who violate disciplines. The 5th Plenary Session of the 11th CPC Central Committee adopted the *Code of Conduct for Intraparty Political Life* and gradually restored the Party discipline.

The Party's new constitution adopted at the 12th CPC National Congress in 1982 devotes a chapter to "Party Organs for Discipline Inspection." It clearly stipulates that "The Party's Central Commission for Discipline Inspection shall function under the leadership of the Central Committee of the Party. Local commissions for discipline inspection at every level and primary-level commissions for discipline inspection shall all function under the dual leadership of the Party committee at the corresponding level and the commission for discipline inspection at the next level up." The Party's commissions for discipline inspection at every level shall serve a term of the same duration as Party committees at the corresponding level. The Party's Central Commission for Discipline Inspection shall elect, at a plenary session, its standing committee, secretary, and deputy secretaries. The first secretary of the Central Commission for Discipline Inspection of the Party must be generated from among the members of the Political Bureau's Standing Committee. Implementing strict Party self-governance has a higher organizational guarantee.

In November 1987, the 13th CPC National Congress adopted the *Amendment to Some Articles of the Constitution of the Communist Party of China*, which abolished the provisions that the first secretary of the Party's Central Commission for Discipline Inspection must be elected from the members of the Standing Committee of the Political Bureau of the CPC Central Committee. In January 1993, the Central Commission for Discipline Inspection and the Ministry of Supervision were co-located.

In November 2002, the 16th CPC National Congress was convened. The Party's constitution adopted at the congress added in the Chapter "Party Organs for Discipline Inspection" the content of organizing and coordinating efforts of the party committees to combat corruption to the duties of the Party's commissions for discipline inspection at every level so as to put into place a leadership system and a working mechanism with Chinese characteristics, in which Party committees take unified leadership of the work, the Party and government both administer it, discipline

inspection commissions of the Party organize and coordinate it, different departments take their due responsibilities related to it, and the masses support and participate in the endeavor. In the provisions of the regular work of the disciplinary inspection organs of the Communist Party of China, the content of tightening oversight over the exercise of power by leading officials and safeguarding the rights of Party members was added.

Since the reform and opening-up, especially after entering the twenty-first century, various discipline inspection systems of the Communist Party of China have been continuously improved, and various systems have been established to impose constraints and oversight over Party members and officials. In January 2005, the CPC Central Committee promulgated the *Outline of Implementation for Establishing and Improving the System of Punishment and Prevention of Corruption with Equal Stress on Education, System and Supervision*, and related supporting systems have also been established. In May 2008, the CPC Central Committee promulgated the *Work Plan for Establishing and Improving the System of Punishing and Preventing Corruption for 2008–2012*, which further promoted the Party's anti-corruption and clean government construction. The CPC Central Committee studied to include the *Work Plan for Establishing and Improving the System of Punishing and Preventing Corruption for 2013–2017* into the work of the new Central Commission for Disciplinary Inspection established at the 18th CPC National Congress to ensure strict enforcement of disincline inspection and strict Party self-governance in every respect.

1.2 Construction History of China's Administrative Supervision

China's supervision system has a long history. From the Spring and Autumn Periods and the Warring States Period to modern times, it has developed and evolved for thousands of years. However, for a long time, the ancient Chinese supervision systems were all the systems that defended the central kingship. After entering the modern times, with the collapse of the feudal society, such supervisory systems also collapsed and ceased to exist.

The People's Republic of China was founded in 1949, and China's administrative supervision system entered a new historical period. Since the founding of the People's Republic of China to the present, the development of the administrative supervision system is generally divided into four periods.

1.2.1 1949–1954: The Initial Period of China's Administrative Supervision System

In September 1949, the *Common Program of the CPPCC* was adopted at the 1st Plenary Session of the CPPCC as a provisional constitution. Article 19 of the *Common*

Program states: People's governments at or above the county or city level shall establish people's supervisory organs to supervise whether state organs at various levels and various public officials perform their duties, and to rectify the organs and personnel that violate the laws or neglect their duties. People and people's organizations have the right to make an accusation to the people's supervisory organs or the people's judicial organs against violations of laws or negligence of any state organ and any public servant. Article 18 of the *Organic Law of the Central People's Government of the People's Republic of China* adopted at this meeting stipulates that the People's Supervisory Commission should be set up in the Government Administration Council to inspect whether government organs and civil servants perform their duties.

On October 24, 1950, the Government Administration Council promulgated the *Organic Regulations of the People's Committee of the Government Administration Council of the Central People's Government*, which stipulates the missions of the people's inspection commission: "First, to check whether state organs at various levels and public servants throughout the country violate the laws and ordinances of the state or impair the interests of the people and the state, and accuse or expose violations of laws or negligence of the staff of state organs. Second, to guide the supervision work of supervisory organs at all levels across the country, issue resolutions and orders, and examine their implementation; third, to accept all kinds of accusations against negligence of public servants." The People's Inspection Commission had the procuratorial power and investigation power according to law. On October 19, 1949, the Central People's Government Commission appointed Tan Pingshan as the director of the Central People's Supervisory Commission. The establishment of the People's Supervisory Commission marked the establishment of China's socialist supervisory system.

In October 1951, the Government Administration Council promulgated *Trial General Organic Regulations of the People's Supervisory Commissions of the People's Government of the Greater Administrative Area (Military and Political Committee)* and *Trial General Organic Regulations of the People's Supervisory Commissions of the People's Government of the Provinces (Administrative Offices and Municipalities)*, which specify the functions and powers of local people's supervisory commissions. Meanwhile, local governments at and above the county level had also set up their people's supervisory commissions, and the financial and economic departments above the provincial level, state-owned enterprises, people's organizations, and news agencies had set up their supervisory offices or supervisory correspondents. Local people's supervisory commissions at all levels were under the guidance of the people's government and the supervisory organ at a higher level.

During this period, a series of regulations, systems, and opinions on supervision were promulgated, such as *General Rules for the Establishment of Supervisory Correspondents by the People's Supervisory Commissions of People's Governments at Various Levels* (Trial Implementation) and *Interim Measures of People's Supervisory Commissions at Various Levels for Handling Cases of Violation of the Law or Negligence of Duty* and *Detailed Rules for Financial Supervision Institutions' Implementation of Financial Supervision Work*, have made specific provisions on relevant

supervision work, so that the supervision work was initially established based on the system.

From 1949 to 1954, the supervision system established by the People's Republic of China focused on the Party's central work to supervise and inspect government agencies and civil servants. It promoted the agrarian reform in the early days of the founding of the People's Republic of China, suppressed counter-revolutionaries, launched the "three anti-five anti-fighting" movement and The smooth progress of socialist transformation and other work has played a vital role, and supervision has achieved remarkable results.

1.2.2 1954–1959: The Initial Development Period of China's Administrative Supervision System

In September 1954, the first National People's Congress was convened, and the first constitution of the People's Republic of China was adopted. According to the new constitution, the Government Administration Council was transformed into the State Council. According to the *Organic Law of the State Council of the People's Republic of China* promulgated in September 1954, the Central Supervisory Commission was transformed into the Ministry of Supervision. Local supervisory organs were also transformed into supervisory departments, supervisory bureaus, and supervisory offices. Qian Ying was appointed the Minister of Supervision.

The new Ministry of Supervision adjusted and expanded its internal organs. In November 1955, the executive meeting of the State Council adopted the *Organic Rules of the Ministry of Supervision of the People's Republic of China*, which provided detailed regulations on the missions and work principles of the Ministry of Supervision. According to the Rules, the missions of the Ministry of Supervision are as follows: to check whether various departments of the State Council, local state administrative organs, state-owned enterprises, and their staff have correctly implemented the resolutions and orders of the State Council; to identify major problems in the implementation of national economic plans and national budgets by various departments of the State Council, local state administrative organs, and state-owned enterprises, and supervise the revenue and expenditure, use, management, and accounting of state assets of the abovementioned departments, organs, enterprises, public-private joint ventures, and cooperatives; to accept citizens' accusations against violations of discipline by state administrative organs, state-owned enterprises, and their staff; and to accept appeals of staff members of state administrative organs who do not accept disciplinary actions, and deliberate on disciplinary actions of persons appointed by the State Council.

Meanwhile, the state had also adjusted the inspection organs of the central and local financial and economic departments. In October 1955, the State Council issued the *Notice on Approving the Implementation of the Plan of the Ministry of Supervision on the Organizational Establishment of Supervisory Organs of Central and Local Financial and Economic Departments and on Adjusting the Existing Supervision*

Offices (Bureaus and Divisions), and thus the state administrative supervisory organs were separated from the business departments' internal or professional supervisory organs.

The administrative supervision during this period played an important role in overcoming bureaucracy, dealing with violations of laws and regulations, and ensuring strict implementation of national economic plans and national budgets.

1.2.3 1958–1978: the Period of Decentralized Stagnation of Administrative Supervision

The 1st Session of the 2nd NPC in 1959 adopted the *Resolution on Dissolving the Ministry of Justice and the Ministry of Supervision.* The Ministry of Supervision was dissolved, and the supervision of state administrative organs and administrative staff was carried out by relevant state organs. The administrative supervision system and supervision work of the PRC came to a standstill. There were many reasons for dissolving the Ministry of Supervision, but the supervision over administrative organs and administrative staff was not completely canceled. The Ministry of Internal Affairs and the Ministry of Personnel were mainly responsible for the rewards and punishments of the staff of administrative organs. Meanwhile, the supervisory commission of the Party before 1969 was still functioning, but on the whole, the supervision work was weakened considerably.

1.2.4 1978–1992: The Period of Restoration and Preliminary Development of Administrative Supervision

In July 1980, the State Council adopted *Several Provisions of the Ministry of Finance on Financial Supervision*, which specified that the Ministry of Finance should establish the department of financial supervision; the financial bureaus of all provinces, autonomous regions, and municipalities directly under the central government should establish their financial supervision departments, the financial bureaus of sub-provincial administrative offices, cities under the jurisdiction of provincial people's governments, and autonomous prefectures should establish their financial supervision sections, and the financial sections of all counties (cities) and autonomous counties should establish their financial supervision offices or financial supervisors. Administrative supervision was first gradually restored in the financial sector.

In December 1982, the 5th Session of the 5th NPC adopted the new *Constitution of the People's Republic of China*. The new Constitution stipulates that the State Council has the power to direct and administer the work concerning civil affairs, public security, judicial administration, supervision, and other related matters. Administrative supervision is guaranteed by the fundamental law of the state. According to the new Constitution, administrative organs at all levels establish auditing bodies to supervise through auditing the revenue and expenditure of all departments under the State

Council and of the local governments at various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises, and institutions of the state. In September 1983, the National Audit Office was formally established, and the audit supervision system was gradually improved.

In 1986, at the request of the State Council, the 18th Meeting of the Standing Committee of the 6th NPC decided to establish the Ministry of Supervision of the People's Republic of China. In August 1987, the State Council promulgated the *Notice on the Organizational Establishment and Staffing of the Ministry of Supervision.* Shortly later, the State Council issued the *Notice on Establishing Administrative Supervisory Organs of Local People's Governments at County Levels and Above.* This has broken new ground in China's supervision system, and the supervision systems at various levels have gradually been established.

Since then, the State Council has introduced a series of systems to strengthen the supervision work. In November 1990, the State Council adopted the *Administrative Supervision Regulations*. The promulgation and implementation of these regulations marked a further step of China's administrative supervision toward institutionalization and law-based governance.

1.2.5 From 1992 to the Present: The Development and Improvement of Administrative Supervision

At the end of 1992, based on the arrangement of the CPC Central Committee and the State Council, the supervisory commissions of the governments were co-located with the Party's disciplinary inspection commissions to further strengthen the Party's disciplinary inspection and the governments' administrative supervision functions under the unified leadership of the Party's Central Committee and local committees at various levels, continuously enhance the governments' guidance for the administrative supervision work, facilitate the leadership of supervisory organs to continue to be responsible to the governments, and streamline the administrative structure and reduce redundant staff.

In May 1997, the 25th Meeting of the Standing Committee of the 8th NPC adopted the *Administrative Supervision Law of the People's Republic of China*, which not only provides legal guarantees for supervisory organs to perform their functions and powers, but also set higher requirements for the supervisory teams to exercise supervision and the administrative organs to carry out administration in accordance with the law. In September 2004, the State Council promulgated the *Implementing Regulations for the Administrative Supervision Law of the People's Republic of China.* In June 2010, the 15th Session of the 11th NPC adopted the *Decision on Amending the Administrative Supervision Law of the People's Republic of China*, and the *Administrative Supervision Law of the People's Republic of China* was amended and republished, marking that China's administrative supervision has entered the era of law-based governance.

2 Organizational Structure and Functions of Discipline Inspection and Supervisory Organs

Since the founding of the People's Republic of China, China's supervisory system has experienced more than 60 years of tortuous development, and has been continuously strengthened and improved especially after the reform and opening-up. A relatively stable supervisory system and supervisory work measures have been formed in all aspects.

2.1 Organizational Establishment of the Central Organs for Discipline Inspection and Supervision

As the discipline inspection organs of the CPC and the administrative supervisory organs are co-located, according to the provisions of the *Constitution of the Communist Party of China*, the *Administrative Supervision Law of the People's Republic of China*, and *Implementing Regulations for the Administrative Supervision Law of the People's Republic of China*, the main establishments of the supervisory organs include the following.

2.1.1 Scope of Establishments of Discipline Inspection and Supervisory Organs

Discipline inspection: The Party's Central Commission for Discipline Inspection shall function under the leadership of the Central Committee of the Party. Local commissions for discipline inspection at every level and primary-level commissions for discipline inspection shall all function under the dual leadership of the Party committee at the corresponding level and the commission for discipline inspection at the next level up. The Party's Central Commission for Discipline Inspection shall elect, at a plenary session, its standing committee, secretary, and deputy secretaries, and shall report the election results to the Central Committee for approval. Local commissions for discipline inspection at every level shall elect their standing committees, secretaries, and deputy secretaries at their plenary sessions. Election results must go through the Party committee at the corresponding level and be reported to the Party committee at the next level up for approval. Whether a primary-level Party committee should set up a commission for discipline inspection or simply appoint a discipline inspection commissioner is to be determined by the Party organization at the next level up in light of the specific circumstances. The committees of general Party branches and Party branches shall have discipline inspection commissioners. The Party's Central Commission for Discipline Inspection shall, when its work so requires, accredit discipline inspection groups or commissioners to Party or state organs at the central level.

Administrative supervision: The supervisory organ under the State Council should be in charge of supervision throughout the country. A supervisory organ of a local people' s government at or above the county level should be responsible for supervision in its administrative area, and shall be responsible for and report its work to the people's government to which it belongs and to the supervisory organs at the next higher level. Supervision shall be enforced mainly under the guidance of the supervisory organ at a high level. A supervisory organ of a people's government at or above the county level may, where necessary and with the approval of the people's government to which it belongs, have the supervisory bodies or supervisors in departments under the government.

2.1.2 Establishment of the Central Organs for Discipline Inspection and Supervision

In 1993, the Central Commission for Discipline Inspection and the Ministry of Supervision started to share office space while keeping their own separate identities. The functional organs within the two departments include General Office, Office of Supervision, Office of Anti-corruption, Research Office, Office of Laws and Regulations, Office of Publicity and Education, Office of Party Style and Clean Government Construction, Central Commission for Discipline Inspection, Office of Inspection Work of the Organization Department of the CPC Central Committee, Office for Correcting Illegitimate Practices of All Departments and Trades, Office of Discipline Inspection and Supervision I, Office of Discipline Inspection and Supervision II, Office of Discipline Inspection and Supervision III, Office of Discipline Inspection and Supervision IV, Office of Discipline Inspection and Supervision V, Office of Discipline Inspection and Supervision VI, Office of Discipline Inspection and Supervision VII, Office of Discipline Inspection and Supervision VIII, Office of Law Enforcement Supervision, Office of Performance Management and Supervision, Office of Case Supervision and Management, Office of Case Review, Office for Letters and Calls, Office of Cadre Affairs, Bureau of Foreign Affairs, Government Offices Administration Bureau, Department Party Committee, and Retired Cadre Bureau (see Fig. 1[3]).

In September 2007, the National Bureau of Corruption Prevention was officially established directly under the State Council, and it is located in the Ministry of Supervision. The director of the National Bureau of Corruption Prevention is concurrently assumed by the deputy secretary of the Central Commission for Discipline Inspection and the Minister of the Supervision.

Regardless of the leadership system, organizational establishment, or discipline inspection team building, the current discipline inspection and supervision system is constantly improving, the organizational establishment is more scientific and reasonable, and the discipline inspection and supervision teams are also growing.

[3] *Source* the Website of the Ministry of Supervision of the People's Republic of China (http://www.mos.gov.cn/mos/cms/cms/website/zcb/zcb/rayout3_gzcx4html).

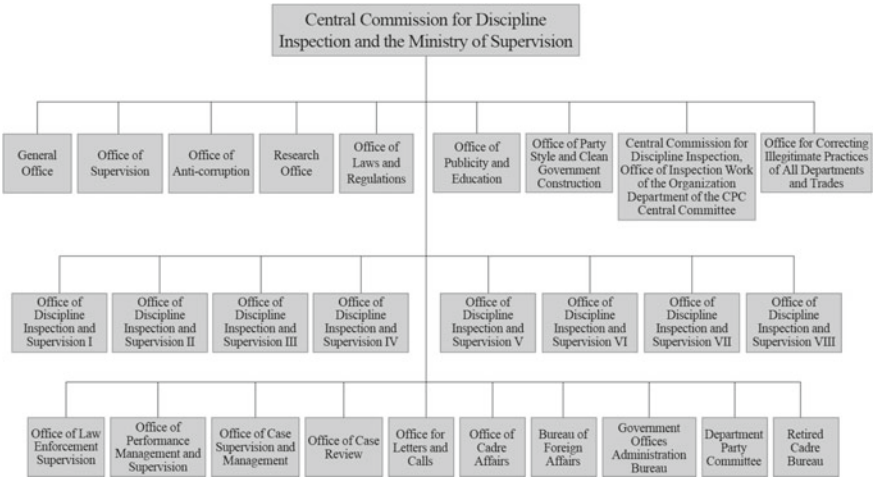
Central Commission for Discipline Inspection and the Ministry of Supervision
General Office
Office of Supervision
Office of Anti-corruption
Research Office
Office of Laws and Regulations
Office of Publicity and Education
Office of Party Style and Clean Government Construction
Central Commission for Discipline Inspection, Office of Inspection Work of the Organization Department of the CPC Central Committee
Office for Correcting Illegitimate Practices of All Departments and Trades
Office of Discipline Inspection and Supervision I
Office of Discipline Inspection and Supervision II
Office of Discipline Inspection and Supervision III
Office of Discipline Inspection and Supervision IV
Office of Discipline Inspection and Supervision V
Office of Discipline Inspection and Supervision VI
Office of Discipline Inspection and Supervision VII
Office of Discipline Inspection and Supervision VIII
Office of Law Enforcement Supervision
Office of Performance Management and Supervision
Office of Case Supervision and Management
Office of Case Review
Office for Letters and Calls
Office of Cadre Affairs
Bureau of Foreign Affairs
Government Offices Administration Bureau
Department Party Committee
Retired Cadre Bureau

Fig. 1 Diagram of the organs of the Central Commission for Discipline Inspection and the Ministry of Supervision

Since the 18th CPC National Congress, the CPC Central Commission for Discipline Inspection has fully exercised the two functions of discipline inspection and administrative supervision. In order to strengthen the responsibility of supervision and discipline enforcement, the departments such as Office of Discipline Inspection and Supervision, Organization Department, Department of Publicity, and Office for Supervision over Discipline Inspection and Supervision Officials were established additionally, greatly strengthening the forces for disincline inspection and discipline enforcement.

In October 2017, the report to the 19th CPC National Congress proposed that "We will deepen reform of the national supervision system, conduct trials throughout the country, and establish supervisory commissions at the national, provincial, prefectural, and county levels, which work together with the Party's disciplinary inspection commissions as one office while keeping their own identity. This will ensure that supervision covers everyone working in the public sector who exercises public power."[4] China's monitoring system has entered a new historical stage.

2.2 *Objects and Duties of Discipline Inspection and Supervision*

The Administrative Supervision Law of the People's Republic of China clearly specifies the objects of discipline inspection and supervision. Article 2 states: "Supervisory

[4] *Compilation of Documents of the 19th National Congress of the Communist Party of China*, People's Publishing House, 2017, p. 54.

organs are organs that exercise the function of supervision on behalf of the people's governments, supervising in accordance with these Law administrative organs and public servants of the state and other persons appointed by administrative organs of the State."

Specifically, the supervisory organ under the State Council should exercise supervision over the following government departments and persons: the departments under the State Council and the public servants of the State working in such departments; other persons appointed by the State Council and various departments under it; and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government, and the leading members of such governments. The supervisory organ of a local people's government at or above the county level shall exercise supervision over the following government departments and persons: various departments under the people's government to which it belongs and the public servants of the State working in such departments; other persons appointed by the people's government to which it belongs and by various departments under this government; and the people's government at the next lower level and its leading members. The "other persons appointed by administrative organs of the State" refers to the persons accredited or dispatched by the state administrative organs to the enterprises, public institutions, and social groups.

A supervisory organ shall supervise the law enforcement, cleanness, and efficiency of the supervisory objects. It shall fulfill the following duties: (1) to inspect the problems of the administrative organs of the State that occur in the course of their observing and enforcing laws, regulation as well as government decisions and decrees; (2) to accept and handle accusations and expositions against administrative organs or public servants of the State or other persons appointed by such organs, which violate the administrative disciplines; (3) to investigate and handle violations of the administrative disciplines committed by administrative organs of the State and their public servants, as well as other persons appointed by such organs; (4) to accept and handle complaints about public servants of administrative organs of the State or other persons appointed by such organs refusing to accept decision on disciplinary sanctions made by the competent administrative organs, and other complaints to be accepted and handled by supervisory organs as prescribed by laws and administrative rules and regulations; and (5) to perform other duties as prescribed by laws and administrative rules and regulations.

The supervisory organs should, in light of the stipulations of the State Council, organize and coordinate, inspect and guide the work regarding transparency in government affairs, and correct unhealthy practices that harm the interests of the general public.

A dispatched supervisory organ or supervisor shall perform the following duties: checking the problems that arise when the departments under supervision abide by and execute the laws, regulations, and decisions or orders of the people's government; accepting the accusations or reports against the departments and persons under supervision who violate the administrative disciplines; investigating into and punishing the departments and persons under supervision who violate the administrative disciplines; accepting the appeals of the persons under supervision who refuse to accept

the administration sanction decisions or administration sanction review decisions; accepting the appeals of the persons under supervision who refuse to accept the supervision decisions; and urging the departments under supervision to establish rules and regulations regarding the clean government and diligent government.

2.3 Jurisdiction of Supervisory Organs

According to the *Administrative Supervision Law of the People's Republic of China*, disciplinary inspection and supervisory organs have procuratorial power, investigation power, power of recommendation, and power of administrative sanction. According to Article 19 of the *Administrative Supervision Law*, "A supervisory organ shall have the right to take the following measures to perform its official duties: (1) to require the departments and persons under supervision to provide documents, data, financial accounts and other material relevant to the matters under supervision for examination and duplication; (2) to require the departments and person under supervision to explain or clarify questions concerning the matters under supervision; and (3) to order the departments and persons under supervision to cease violating laws, rules and regulations of administrative disinclines."

According to the law, in investigating violations of rules of administrative discipline, the supervisory organ may adopt the following measures according to the actual conditions and needs: (1) to temporarily seize and seal up documents, data, financial accounts, and other relevant materials which may be used as proof of violations of the rules of administrative discipline; (2) to order the units and persons suspected of being involved in a case not to sell off or transfer any property relevant to the case during the period of investigation; (3) to order the units and persons suspected of violating the rules of administrative discipline to explain and clarify questions relevant to the matter under investigation at a designated time and place; however, no such persons may be taken into custody or detained in disguised form; (4) to propose the competent relevant authorities that they suspend the persons suspected of seriously violating the rules of administrative discipline from execution of their duties.

In investigating violations of the rules of administrative discipline, such as graft, bribery, and misappropriation of public funds, a supervisory organ may inquire about the deposits of the suspected units and persons at banks or other banking institutions, with the approval of leading members of a supervisory organ at or above the county level; it may when necessary, request the people's court to adopt preservation measures to freeze the deposits of such persons at banks or other banking institutions in accordance with the law.

In handling cases of violating the rules of administrative discipline, a supervisory organ may request the authorities of public security, auditing, taxation and the Customs, the administrative departments for industry and commerce, and other authorities to extend assistance. The administrative departments and organs requested

to provide assistance shall, in light of the matters requested by the supervisory organ and the requirements thereof, provide assistance within their functions and powers.

A supervisory organ may, on the basis of findings from examinations and investigations, make a supervisory recommendation under any of the following circumstances: (1) where the parties concerned refuse to enforce the laws or rules and regulations or violate the laws or rules and regulations as well as decisions or decrees of the people's government, which should be set right; (2) where the decisions, decrees, or instructions issued by departments under the people's government to which it belongs or by the people's governments at lower levels contravene the laws or rules and regulations or State policies and should be modified or revoked; (3) where the interests of the State or the collective or the lawful rights and interests of citizens are impaired and remedial measures need to be taken; (4) where decisions on employment, appointment, dismissal from office, reward or punishment are obviously inappropriate and should be rectified; (5) where the parties concerned should be given administrative penalties in accordance with relevant laws and rules and regulations; (6) where being ordered to make a public apology, suspension of post for self-examination, resignation due to faults, being ordered to resign, or dismissal from office need to be imposed for the investigation of responsibility; (7) where the system from honest and diligent government needs to be improved; (8) other circumstances need to supervisory recommendations.

A supervisory organ may, on the basis of the findings from inspections and investigations, make a supervisory decision or recommendation under any of the following circumstances: (1) where the parties concerned violate the administrative disciplines and shall be given administrative sanctions in accordance with the law, such as warnings, the recording of a demerit, the recording of a major demerit, demotion, dismissal from office or expulsion; or (2) where the parties concerned take money or property in violation of the rules of administrative discipline, which shall be confiscated, recovered, or returned or compensated under orders.

Article 19 of *Implementing Regulations for the Administrative Supervision Law of the People's Republic of China* stipulates that "A supervisory organ shall make administrative sanctions for the persons under supervision according to the following provisions: (1) where the leading members of various departments of the people's government appointed by the decisions of the people's congress at the corresponding level and its standing committee and the leading members of the people's government appointed by the decisions of the people's congress at the next lower level and its standing committee will be given administrative sanctions in accordance with law, such as warning, the recording of a demerit, the recording of a gross demerit or demotion, dismissal from office or expulsion, the supervisory organ should submit a sanction opinion to the people's government at the corresponding level, and with the approval of the people's government at the corresponding level, the supervisory organ shall issue a supervisory decision; where they will be given administrative sanctions in accordance with law, such as dismissal from office or expulsion, the people's

government at the corresponding level or the people's government at the next lower level shall first request the people's congress at the corresponding level to remove them from their positions, or request the standing committee of the people's congress at the corresponding level to remove them from their positions, and the supervisory authority shall issue a supervisory decision; (2) where the persons appointed by the people's government at the corresponding level shall be given administrative sanctions in accordance with law, such as warning, the recording of a demerit, the recording of a gross demerit or demotion, the supervisory authority shall directly make a supervisory decision and report it to the people's government at the corresponding level for filing; where they will be given administrative sanctions in accordance with law, such as dismissal from office or expulsion, the supervisory organ shall submit a sanction opinion to the people's government at the corresponding level, or with the approval of the people's government at the corresponding level, the supervisory authority shall issue a supervisory decision; (3) where the persons appointed by various departments of the people's government at the corresponding level and the people's government at the next lower level and its affiliated departments shall be given administrative sanctions, the supervisory organ shall directly make a supervisory decision. Among them, where the personnel under supervision are to be given administrative sanctions such as expulsion by the supervisory organ of the county-level people's government, it shall report the sanction to the county-level people's government for approval."

According to the Party's Constitution, the main tasks of the Party's commissions for discipline inspection at every level are as follows: to defend the Constitution and other regulations of the Party, to monitor the implementation of the lines, principles, policies, and resolutions of the Party, and to assist their respective Party committees in ensuring strict Party self-governance in every respect, improving Party conduct, and organizing and coordinating efforts to combat corruption.

The duties of the Party's commissions for discipline inspection at every level are to exercise oversight, enforce discipline, and ensure accountability. They shall work to keep Party members educated about their duty to observe Party discipline and shall make decisions about maintaining Party discipline; they shall oversee the performance of duty and exercise of power by Party organizations and Party members in leadership positions, accept and handle complaints and reports made by both Party members and the general public, hold cautionary talks, and carry out oral or written inquiries; they shall examine and deal with important or complicated cases of violations of the Constitution or other regulations of the Party by Party organizations or members and decide on or rescind disciplinary action against the Party members involved; they shall pursue accountability or propose enforcing accountability; they shall deal with complaints and appeals made by Party members; and they shall safeguard the rights of Party members.

3 Achievements of China's Discipline Inspection and Supervision

Since the reform and opening-up, especially in the twenty-first century, China's disciplinary inspection and supervision system has been continuously improved. The disciplinary inspection and supervisory work have achieved significant results and played an important role in maintaining Party discipline, ensuring the smooth implementation of government decrees, maintaining administrative discipline, promoting clean and honest administration building, improving administrative management, and raising administrative efficiency.

3.1 Guaranteeing and Promoting the Implementation of Major Decisions of the Central Government and Ensuring the Smooth Implementation of Government Decrees

Disciplinary inspection and supervisory work highlight strictly implementing and maintaining the Party's discipline, especially its political discipline, and upholding the Party's centralized and unified leadership. The Party's commissions for discipline inspection at various levels should take their responsibility to inspect the implementation of the Party's lines, principles, policies, and resolutions and urge government organs to implement the major decisions and plans of the CPC Central Committee so as to improve the government's execution and credibility. Supervisory inspection has been strengthened in the following aspects: the implementation of the decisions and plans of the CPC Central Committee for accelerating the transformation of economic development pattern and its policies for expanding domestic demands to promote economic growth; disaster relief and post-disaster recovery and reconstruction work after the Wenchuan Earthquake; the implementation of the decisions and plans of the CPC Central Committee for Tibet and Xinjiang; the work related to the Beijing Olympics Games, Shanghai World Expo, and Guangzhou Asian Games. They have strengthened the implementation of the policies of the CPC Central Committee to support the economic and social development of Tibet and Xinjiang. Special projects were launched to address serious problems in engineering construction, promote the construction of public resource transaction markets, the disclosure of information on engineering construction projects and the building of a credibility system, and to address serious problems in quality and safety of engineering construction. These have effectively prevented and reduced the occurrence of corruption, strongly promoted the healthy and smooth proceeding of various tasks, practically maintained the authority of the CPC Central Committee, and ensured the smooth implementation of government decrees.

3.2 Resolutely Investigating and Dealing with Cases of Disciplinary Violations

The disciplinary inspection and supervisory organs have focused on investigating and dealing with the cases in which leading bodies and leading officials were involved in the abuse of power, graft and bribery, corruption and degeneration, and negligence of duty, the cases with extremely bad influence in which the persons involved are low-ranking officials while the sums involved are staggering as well as the corruption cases which occurred all around people. From November 2007 to June 2012, the Central Commission for Discipline Inspection opened investigations into 643,759 cases and settled 639,068 of them, 668,429 people were given Party or administrative punishment, and 24,584 people were handed over to prosecutors for breaking the law. A total of 81,391 commercial bribery cases were investigated and dealt with nationwide, involving a total of 22.203 billion Yuan. A special program was launched to prevent the use of public funds for traveling abroad and strengthen the administration of funds for going abroad on business. Special rectification was carried out to address serious problems in the field of engineering construction, 425,100 construction projects were inspected, and 24,300 cases of violation of laws and disciplines were investigated and dealt with. A special program was launched to manage "small treasuries," and 60,722 "small treasuries" involving a total amount of 31.586 billion Yuan were dealt with. Special treatment of government public vehicle-using was carried out, and 196,600 vehicles were dealt with. Measures were taken to resolutely rectify behaviors detrimental to the interests of the public in aspects such as education, medical care, land requisition and demolition, land and mineral resource management, food and drug safety, environmental protection, safe production, affordable housing construction and management, and law enforcement and justice. A campaign for democratic deliberation on political and industrial ethos was launched to effectively safeguard the legitimate rights and interests of the people, achieving good social effects.

3.3 More Standardized Administrative Behavior and Use of Power

In 2010, the *Guidelines of the Communist Party of China for Party-member Leading Officials to Perform Official Duties with Integrity* was amended and promulgated, and special inspections were carried out to deal with issues such as leading officials' receiving gift money, excessively occupying and selling and purchase of housings in violation of the established rules, and seeking illegitimate gains by taking advantage of their positions and power through entrusting financial management and other forms. *The Regulations on Leading Officials' Report of Relevant Personal Matters* and *Provisions of the General Office of the CCCPC and the General Office of the State Council on Strengthening the Administration of the State Functionaries Whose*

Spouses and Children Have Emigrated Abroad (Oversea) were promulgated. The regulations on the integrity of executives of state-owned enterprises were formulated or amended to promote the integrity and self-discipline of executives of state-owned enterprises. The *Rules for Inspection Tour of the Chinese Communist Party (for Trial Implementation)* and a series of supporting documents were promulgated and implemented. The inspection tour leadership system and working mechanism have been continuously improved, the inspection tour supervision network has been initially formed, effectively improving the supervision efficiency. The unified management of representative offices of Party discipline inspection commissions and government supervision departments is strengthened, and the supervisory role of representative offices is further exerted. The *Interim Provisions on the Implementation of the Accountability System for the Leaders of the Party and the Government* was promulgated and implemented, and since 2010, a total of 18,227 Party and government leading officials have been held accountable throughout the country. Efforts were strengthened in auditing the economic responsibilities of major Party and government leading officials and executives of state-owned enterprises. The work of making Party affairs and government affairs known to the public was promoted actively and steadily. The work of making Party affairs known to the public was fully carried out in the Party's primary-level organizations, and the contact points of the Party's local organizations for making Party affairs known to the public and the pilot work for the open and transparent operation of the power of county-level Party committee have been steadily advanced. Efforts in improving transparency in government affairs have been stepped up, the construction of the government service system has been comprehensively strengthened, and fiscal budget and settlement and transparency in expenses for buying and using cars, traveling overseas, and hosting meetings—collectively known as "the three public expenses"—have been actively implemented. Judicial transparency, transparency in factory affairs, village affairs, and transparency in the affairs of enterprises and institutions that provide public services have been deepened. The implementation and improvement of various systems for promoting transparency have improved the transparency of power operation and created conditions for the people to better exercise their democratic rights.

3.4 Maintaining Close Ties Between the Party and the Masses and Between the Officials and the Masses

Maintaining close ties between the Party and the masses and between the officials and the masses through discipline inspection and supervision is an important duty of the discipline inspection and supervisory organs. The discipline inspection and supervisory organs earnestly safeguard the legitimate rights and interests of the people and have resolutely rectified behaviors detrimental to the interests of the public in aspects such as education, medical care, land requisition and demolition, land and mineral resource management, food and drug safety, environmental protection, safe

production, affordable housing construction and management, and law enforcement and justice. We should closely integrate the disciplinary inspection work with safeguarding and improving people's livelihood, strengthening and innovating social management, vigorously carry out various tasks for maintaining close ties with and serving the masses, establish and improve the mechanism for safeguarding the rights and interests of the masses and the systems for officials to receive visitors and carry out investigations. We should seriously follow the discipline for organization and personnel work, especially the discipline for the change of the term of office, prevent and correct unhealthy practices in selecting and appointing officials, and severely rectify the problems such as craving for government official positions, transaction of government official positions, election fraud, and promotion of officials before the change of the term of office. We seriously should practice strict economy and resolutely rectify bad habits such as extravagance and waste.

4 Characteristics of China's Discipline Inspection and Supervision System

China's discipline inspection and supervision system is an important content and integral part of the socialist political system with Chinese characteristics. It has the following characteristics.

4.1 China's Discipline Inspection and Supervision Work Adheres to the Leadership of the Communist Party of China

China's discipline inspection and supervision system and working mechanism are determined by China's state system and government system. China practices a system of multiparty cooperation and political consultation under the leadership of the CPC. In the practice of combating corruption and building a clean government, China has put into place a leadership system and a working mechanism with Chinese characteristics, in which Party committees take unified leadership of the work, the Party and government both administer it, discipline inspection commissions of the Party organize and coordinate it, different departments take their due responsibilities related to it, and the masses support and participate in the endeavor. After the Central Commission for Discipline Inspection and the Ministry of Supervision were co-located in 1993, the Party's leadership has been strengthened. This has not only strengthened the work of discipline inspection and supervision, but also solved the problems caused by the duplication and overlap of discipline inspection and administrative supervision functions.

The ruling position and leadership position of the CPC, as the ruling party, have been formed in the history of China in modern times and are the choice of the Chinese people. China's efforts to combat corruption and build a clean government are under the leadership of the CPC. The CPC remains committed to practicing scientific, democratic, and law-based governance, and the Party must act within the scope of the country's Constitution and the law. Upholding the Party's leadership is the most distinct characteristic of China's discipline inspection and supervision system.

4.2 China's Disciplinary Inspection and Supervision System

Since the reform and opening-up, especially in the twenty-first century, the building of the discipline inspection and supervision system in China has been continuously strengthened in planning and foresightedness, and China's anti-corruption and clean government development has become institutionalized and systematic. In 2004, the State Council promulgated the *Outline for Comprehensively Promoting Administration According to Law*, the CPC Central Committee promulgated the *Outline for Establishing and Improving A System of Punishment and Prevention of Corruption with Equal Emphasis on Education, Institutions, and Supervision* in 2005, the *Work Plan for Establishing and Improving the System of Punishing and Preventing Corruption for 2008–2012* in 2008, and the *Work Plan for Establishing and Improving the System of Punishing and Preventing Corruption for 2013–2017* in 2013. These documents specify in detail the tasks and priorities of disciplinary inspection and supervision each year, not only bringing China's disciplinary inspection and supervision into the orderly track of political development, ensuring that anti-corruption and clean government construction is always in line with the requirements of social development, but also enabling the discipline inspection and supervision work to be based on a series of systems, providing a solid foundation for anti-corruption.

4.3 China's Efforts in Combating Corruption

The nature of the Communist Party of China decides that the Party is incompatible with graft and corruption, and firmly opposing all forms of corruption has been always the discipline of the Communist Party of China. The Party should supervise its own conduct and run itself with strict discipline, which is one of the signs distinguishing the Communist Party of China from any other party. The Communist Party of China has fought resolutely against corruption and severely punished and cracked down on offenders in corruption in different historical periods. This is also the guarantee that the CPC can withstand various tests and meet various challenges in the vicissitudes of more than 90 years. A system of punishing and preventing corruption with equal emphasis on education, systems, and supervision has basically been formed. We have

maintained a tough position in cracking down on corruption at all times, and raised the technical level of anti-corruption, achieving remarkable results.

China has a resolution to fight every corrupt phenomenon and punish every corrupt official. China's discipline inspection and supervisory organs take a highly responsible attitude to the cause of the Party and the people, strictly investigate and prosecute all types of cases involving a violation of laws and regulations, and severely punish offenders.

Especially since the 18th CPC National Congress, China's anti-corruption efforts and the number of persons having been investigated are unprecedented. As of the end of 2016, the CCDI had investigated 240 centrally administered officials, punishing 223. Disciplinary inspection and supervisory organs across the country registered 1.162 million cases of corruption, punishing 1.19 million people; and punished 11.43 million Party members and officials at or below the township level, and 55,400 rural Party members and officials were given sanctions.

As of October 2017, a total of 15,000 cases of disciplinary violations have been filed and examined, and 15,000 persons have been punished, of whom 112 are centrally administered officials. In the past 5 years, disciplinary inspection and supervisory organs at various levels have investigated and punished 189,000 cases involving officials violating the eight-point rules on austerity and dealt with 256,000 Party members and officials. Since 2015, the disciplinary inspection and supervisory organs throughout the country have practiced the "four forms of discipline supervision and enforcement," governed the Party through strict discipline, and dealt with a total of 2.048 million person-times. All these fully demonstrate the efforts and determination of the Party Central Committee to exercise strict governance over the Party.

Chapter 7
China's Consultative Democracy System

Chengxin Chen

Consultative democracy is an important institutional form for the development of China's democratic politics. The concept of consultative democracy originates from the political practice since China's reform and opening-up. Focusing on the development of consultative democracy is an important characteristic and development strategy of socialist democratic politics with Chinese characteristics. The concept of developing consultative democracy was formed at the turn of the twenty-first century, and has continued to develop and improve in the practice of China's democratic politics. On November 8, 2012, the report of the 18th CPC National Congress explicitly stated for the first time that we should "improve the system of socialist consultative democracy." It is also the first time that the concept of "consultative democracy" has appeared in the report to the Party's congress. The 3rd Plenary Session of the 18th CPC Central Committee has studied several major issues concerning comprehensively deepening the reforms and has further made a decision to "promote the extensive, multilevel, and institutionalized development of consultative democracy." In the report to the 19th CPC National Congress, it was clearly affirmed that "socialist consultative democracy is flourishing" and emphasized the need to "strengthen the institutions of consultative democracy" and "give play to the important role of socialist consultative democracy." What exactly is China's socialist consultative democracy? What does consultative democracy mean? What is its context? What role does it play in China? Is it the process of democratization of government referred to in the Western democratic system theory, or the institutional innovation of democratic governance?

Although democracy comes in different forms and has different connotations, it is constructed in the interaction of a particular society and country. China's consultative democracy system is deeply rooted in China's social soil and gradually developed

C. Chen (✉)
Beijing, China
e-mail: maybeechen@163.com

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and improved. To understand China's consultative democratic system, we must also understand China's specific social and national modernization backgrounds.

1 Development Context of China's Consultative Democracy: From Political Consultation to Consultative Democracy

To understand what China's consultative democracy is, we must first make clear its development background in China. In the documents or theoretical expressions of the Party or the state, Comrade Jiang Zemin, the then General Secretary of the CPC Central Committee, proposed in March 1991 that consultation and election were the two basic forms of democratic politics. Comrade Jiang Zemin pointed out: "China's socialist democracy is realized through two forms: one is that the people exercise their rights by participating in elections and casting their votes; and the other is that the people engage in extensive consultations before major decisions are made in order to reach consensus on general issues. This is unparalleled by the Western democracy. Two forms are better than one form and can better reflect the true rights of the people as masters of the socialist society."[1] In 2006, the CPC Central Committee states in *Opinions of the CPC Central Committee on Strengthening the Work of the CPPCC* that: "The people exercise their right to vote in elections, and people from all sectors of society undertake extensive deliberations before major decisions are made. These are two important forms of socialist democracy in China." Thus, "electoral democracy" and "consultative democracy" were officially proposed as two forms of socialist democratic politics. This is the first time that the idea of consultative democracy was put forward more formally. In 2007, the white paper *China's Political Party System* formally proposed the concepts of "electoral democracy and consultative democracy" for the first time. In 2009, in the speech marking the 60th anniversary of the founding of the CPPCC, Comrade Hu Jintao reiterated the argument on the two forms of democracy as stated in the Opinions in 2006 and emphasized that adherence to improving consensus and gathering strength through extensive consultations has profound significance in the organic unity of adherence to leadership by the Party, ensuring that the people are masters of the country and govern the country according to law, in the development of China's socialist democratic politics and in the full mobilization of the enthusiasm and initiative of all walks of life to uphold and develop socialism with Chinese characteristics. Therefore, although the 18th CPC National Congress first proposed the concept of "consultative democracy," its formation is a process and the inevitable result of the CPC's in-depth consideration of the development of socialist democracy.

[1] Refer to *Jiang Zemin's Theory on Socialism with Chinese Characteristics* (Extracts), Central Party Literature Press, 2002, p. 347.

1.1 Origin and Development Context of China's Political Consultation System

On the afternoon of March 3, 2013, the 1st Session of the 12th CPPCC National Committee was held. Just like the previous reelection of the CPPCC held every 5 years, this was also a session of reelection. Jia Qinglin, who was reelected chairman of the 10th and 11th CPPCC National Committee, made the last work report of the CPPCC Standing Committee. Inheriting the spirit of the 18th CPC National Congress held a few months ago that proposed "to improve the system of socialist consultative democracy," he systematically reviewed and summarized in the report the successful experiences and shortcomings of the CPPCC and especially reiterated the important role of the CPPCC in consultative democracy. In the report's work recommendations for the next 5 years, he made relatively detailed recommendations for conscientiously implementing the provisions of the CPC Central Committee on incorporating political consultation into decision-making procedures and insisting on consultation before and during decision-making, showing that China's consultative democracy has taken a step forward.

This was an ordinary but meaningful scene of the CPPCC meeting. So, how to fully understand China's political consultation system? Does the CPPCC represent China's political consultation system?

In fact, China's political consultation system has a long history. It was gradually established by the Communist Party of China in the process of Chinese revolution and construction, and has a deep theoretical and practical basis.

1.1.1 The "Three-Thirds System" and the Embryonic Form of Political Consultation

In 1940, given the situation and strategy at that time, in order to unite the broadest forces to resist the Japanese invasion, Mao Zedong explicitly proposed in the inner-Party directive drafted for the CPC Central Committee *On the Question of Political Power in Anti-Japanese Base Areas* the principle of "Three-Thirds System" as the concrete measure for realizing the Anti-Japanese National United Front regime: "In accordance with the united front principle concerning the organs of political power, the allocation of places should be one-third for Communists, one-third for non-Party left progressives, and one-third for the intermediate sections who are neither left nor right." Under the regime of the "Three-Thirds System," some enlightened and competent personages without party affiliation have the opportunity to join various government organs to play their roles, and they often expressed their opinions on the government work at the talks for democratic personages without party affiliation held by the government in the base areas.

The regime of the "Three-Thirds System" was essentially the anti-Japanese national united front regime under the leadership of the CPC. The united front at that time became an important strategy for the Chinese revolution. Through this

regime, the CPC representing the proletariat and the poor peasants had attracted the leftist progressives who represented the petty bourgeoisie, the intermediate sections who represented the middle bourgeoisie, the enlightened gentries, and other non-party personalities to the CPC-led anti-Japanese democratic regime. Zhou Enlai had made a summary about this: "The Communist Party does not necessarily have a majority in numbers, but should seek other democrats to cooperate with us. A big party should not ride over the opponent by an overwhelming majority, but should tolerate the opponent and win a victory by its own stands. All parties should carry out consultations to achieve a common program as the policy guideline."[2]

When the victory of the Anti-Japanese War was in sight, the CPC clearly made the political proposal to immediately abolish the Kuomintang's one-party dictatorship and establish a democratic coalition government.[3] Mao Zedong further proposed the two-step national construction plan: the Party should first hold a conference for various parties to negotiate the country's major policies and then hold the National Assembly for democratic election,[4] which was the embryonic form of the concept of political consultation. Based on this idea, the CPC facilitated the signing of the Double Tenth Agreement between the CPC and the KMT and forced the KMT government to convene a political consultative conference (known as the "Old CPPCC") on January 10, 1946, during which the five resolutions incorporating the opinions of the intermediate sections were eventually formed. Although the KMT unilaterally destroyed the resolutions and announced the convening of the National Assembly in November of the same year, this practice of political consultation provided a lively reference for the construction of the CPPCC.

1.1.2 Origin and Operation of the CPPCC

In the early years after its establishment, the Party and state leaders began to consider strengthening the cooperation between the CPC and the democratic parties as the basic political system of the country, setting the tone for the nature, status, and function of a multiparty cooperative party system and political consultation.[5]

On April 30, 1948, the CPC Central Committee issued the *Slogan for Commemorating the Labor Day on May 1st*, calling on "all democratic parties, all people's organizations and social elites to quickly hold the political consultative conference to discuss and convene the People's Congress and set up a democratic coalition government,"[6] which once again raised the banner of political consultations. The release

[2] *Selected Works of Zhou Enlai*, People's Publishing House, 1987, p 253.

[3] *Selected Works of Mao Zedong*, People's Publishing House, 1991, p. 1051.

[4] Ibid., p. 1069.

[5] Shi Xuehua, "Review of the Research on the Multi-party Cooperation and Political Consultation System Led by the CPC and Suggestions for Improvement," *Journal of Guangzhou Institute of Socialism*, Issue 4, 2012.

[6] Compiled by the Central Archives, *Selected Documents of the Chinese Communist Party Central Committee* (14), CPC Central Party School Press, 1987, p. 111.

of the "May 1st Slogan" received positive responses from all the democratic parties and numerous democratic personages without party affiliation. The CPC immediately invited them to enter the liberated areas to participate in the preparations of the New Political Consultative Conference, carry out consultations of major issues in advance, and make repeated alterations on the name and schedule of the conference. This marked that democratic parties and non-partisans had consciously and openly accepted the leadership of the CPC, and promoted the formation of a multiparty cooperative political structure under the leadership of the CPC.

During September 21–30, 1949, the CPPCC held the 1st Plenary Session in Peiping. This is the conference for the founding of the CPPCC. On the basis of extensive consultations, 46 units and 662 representatives participating in the conference adopted the three historic documents related to the constitution and the political system of the PRC, i.e., the *Common Programme of the CPPCC*, the *Organization Law of the CPPCC,* and the *Organization Law of the Central People's Government of the People's Republic of China*, marking the creation and operation of China's consultative democracy and political consultation system. The political consultative conference exercises the functions and powers of the state power organs during the transitional period.

In January 1953, the central people's government committee adopted the *Resolution on the Convening of the National People's Congress and Local People's Congresses at Various Levels* (Draft), and established the Constitution Drafting Committee and the Election Law Drafting Committee.[7] After many rounds of consultations and discussions on the draft constitution and the measures for election of deputies to the people's congresses, China's first constitution and the Charter of the Chinese People's Political Consultative Conference were adopted at the 1st Session of the 1st National People's Congress in 1954.

In short, the first generation of the central collective leadership with Comrade Mao Zedong as its core in this period put forward demands for political consultation to meet the needs of revolution and construction, and identified political consultation as a basic democratic system; the CPC and democratic parties "coexist for a long time to come and supervise each other"[8] and consider incorporating political consultation into the decision-making procedures.[9] Since then, political consultation has been identified as an important method for realizing people's

[7] Ma Yongshun, *Zhou Enlai and the People's Political Consultative Conference*, China Literature and History Press, 2004, p. 125.

[8] *Collected Works of Mao Zedong* (Vol. 7), People's Publishing House, 1999, pp. 34–35.

[9] In 1949, Zhou Enlai put forward three aspects of policy work ideas in the *Report on the Consultation Process of the Lists of Members of the Standing Committee of the CPPCC National Committee and the Main Contents of the Work Regulations of the CPPCC National Committee*, which talked about the idea of incorporating the consultation of the CPPCC into the decision-making process. See *Selected Important Documents on Multi-Party Cooperation* edited by the Research Center of the Political Party System of the Central Institute of Socialism, etc., Central Compilation and Translation Press, 2007, p. 111.

democracy, and the political consultative conference and the people's congress have become a basic institutional channel reflecting the democratic rights of various groups.

1.1.3 Political Consultation in the New Period

After the reform and opening-up, the second generation of collective central leadership with Comrade Deng Xiaoping as the core restored the multiparty cooperation and political consultation system, emphasized its status as a basic political system, and replaced the original eight-character policy by the 16-character policy of "long-term coexistence, mutual supervision, sincere treatment with each other and the sharing of weal or woe,"[10] and further deepened the understanding of political consultation from "class alliance" to "political alliance".[11] The third generation of the central collective leadership with Comrade Jiang Zemin as the core summarized China's socialist democracy for the first time as two important forms: "electoral democracy of the people's congress" and "consultative democracy of the political consultative conference"[12] and promoted the standardization and institutionalization in performing the functions (the people's political consultative conference).[13] The CPC Central Committee with Comrade Hu Jintao as General Secretary insisted that political consultative democracy is an important form of Chinese socialist democracy, and explicitly proposed to include political consultation in the decision-making process.[14] Carrying out consultations before and during making decisions for important national and local issues has become an important principle of political consultation.

The 18th CPC National Congress and the 3rd Plenary Session of the 18th CPC Central Committee held in November 2013 proposed that we will make the CPPCC serve as a major channel for conducting consultative democracy, focusing efforts on making political consultation, democratic oversight, and participation in deliberation and administration of state affairs institutionalized, standardized, and procedure-based. Party committees, governments, and the CPPCC at all levels will formulate annual work plans and have consultations on these plans, soliciting suggestions from the CPPCC on major decisions. We will improve the system of the CPPCC, specifying the contents and procedures for consultation. We will diversify the forms of consultative democracy, and more actively carry out consultations on particular topics, and with specialists and representatives from all sectors of society, and with the relevant government departments on the handling of proposals, to improve the

[10] *Deng Xiaoping's Theory on the United Front*, Central Party Literature Press, 1991, p. 250.

[11] *Selected Works of Deng Xiaoping* (Vol. 2), People's Publishing House, 1994, p. 186.

[12] *Jiang Zemin's Theory on Socialism with Chinese Characteristics* (Extracts), Central Party Literature Press, 2002, p. 347.

[13] *Selected Works of Jiang Zemin* (Vol. 3), People's Publishing House, 2006, p. 147.

[14] See the report to the 17th National Congress of the CPC and the *Opinions of the CPC Central Committee on Strengthening the Work of the CPPCC*, Feb. 8, 2006.

intensity and effectiveness of the consultations. We will improve the contact system of CPPCC members by setting up and improving the liaison offices.

In June 2015, the General Office of the CPC Central Committee issued the *Opinions on Strengthening the Democratic Construction of the People's Political Consultative Conference* (Zhongbanfa [2015] No. 36), which explicitly states that the CPPCC is an important channel for socialist consultative democracy, a specialist consultative body, and an important part of the state governance system. It provides the contents and procedures of the consultations of the CPPCC, enhances the operability of the document, and encourages the CPPCC at various levels to explore new practices in accordance with the spirit of the CPC Central Committee.

On September 22, 2015, the CPC's first statute on the united front work—the "*CPC United Front Work Regulations* (Trial)" was issued, which specifies the guiding principle that the united front should serve the strategic blueprint of comprehensively building a moderately prosperous society in an all-round way, comprehensively deepening reform, and comprehensively implementing the rule of law and comprehensively strengthening Party discipline, and standardize the united front work in all fields and aspects. On December 10, 2015, the General Office of the CPC Central Committee issued the *Opinions on Strengthening Consultations among Political Parties*, which has specified the three major forms of consultation and the four major guarantee mechanisms and further improved the mechanism for democratic parties' participation in and deliberation of state affairs from the aspects of the guiding ideology, important significance, contents, forms, procedures, guarantee mechanism, and improvement and strengthening of the Party's leadership over consultations among political parties.

There is no typical example of the practice of the theory of consultative democracy in the Western party systems. China's multiparty cooperation and political consultation system is the system and mechanism for consultative democracy at the national level, and it has been established decades before the emergence of the Western consultative democracy theory. As a party governance mechanism, it continues to activate the existing political system. In 2004, Hu Jintao pointed out in his speech at the 55th Anniversary of the Founding of the CPPCC that: "The adherence and improvement of this form of democracy of the CPPCC meets the essential requirements of socialist democratic politics and reflects the inclusiveness of the fine cultural traditions of the Chinese nation, showing distinctive Chinese characteristics."[15]

1.2 Expansion of China's Consultative Democracy

With the continuous improvement of the political consultation system with Chinese characteristics, China's consultative democracy has also spread to areas outside the Party's governance mechanism, and has developed from the political strata to the

[15]Hu Jintao, "Speech at the 55th Anniversary of the Founding of the Chinese People's Political Consultative Conference," *People's Daily*, Sept. 22, 2004, 2nd Edition.

social strata and formed the political pattern combining cooperative governance by the ruling party, the participating parties and all sectors of society, collaborative governance by the governments and citizens, and consultative governance by citizens and broadly covering basic public services, public financial budgets and final accounts, land confirmation of land right, policy index allocation, industrial wage grading, emergency handling, and other aspects. The 19th CPC National Congress directly reflects this political pattern in the report to the Party congress. For the first time, "democratic consultation" was placed in a position as important as "democratic election," "democratic decision-making," "democratic management," and "democratic supervision." This shows that consultative democracy has been raised to a new height.

Among them, urban-rural community consultation is an important part of community-level consultation. Presently, urban and rural communities have generally established a grassroots mass self-governance system. The model of "urban-rural community consultation," in which major issues involving the vital interests of residents are solved through consultations between the general public and grassroots organizations has become an important way for community-level self-governance. On July 13, 2015, the General Office of the CPC Central Committee and the General Office of the State Council jointly issued the *Opinions on Strengthening Urban-Rural Community Consultation* (Zhongbanfa No. [2015] 41, hereinafter referred to as "the Opinions"), which makes the systematic arrangement for urban-rural community consultation for the first time. *The Opinions* focuses on the issues such as "what is to be consulted about, who is to be consulted with, how to consult, and how to use the results of consultations." Under the general requirements, *The Opinions* has specified the contents of consultation, identified the subjects of consultation, expanded the forms of consultation, and standardized the consultation procedures and the application of the consultation results. It also gives detailed and operational provisions on how to strengthen organizational leadership from four aspects: strengthening Party leadership, establishing and improving working mechanisms, strengthening support and guarantee for consultations, and improving the ability of urban and rural residents to participate in consultations, providing an institutionalized channel for the common people to participate in public affairs.

1.2.1 Basic Form of China's Consultative Democracy

Representatives are selected through the lottery system, and the selection is chaired by elementary and middle school teachers with strong expressive skills and away from benefit gambling. In April 2005, the 1st Participatory Democratic Talkfest for Budget Supervision was held in Zeguo Town, Wenling City, Taizhou, Zhejiang. On the same day, the town government randomly divided the representatives into 16 groups for discussions. Each representative expressed his own opinions about each project. After the group discussion, representatives of each group were selected to

speak at the talkfest. Group discussions were carried out that afternoon, and then representatives of each group participated in the second round of discussions at the talkfest with the group's new suggestions and issues. After the talkfest, 259 representatives voted on the projects. As a result, 12 projects with a total investment of about 36.4 million Yuan were identified as basic urban construction projects of that year, and another 10 projects were optional projects. After that, the town government submitted the results to the 5th session of the 14th People's Congress of Zeguo Town held on the 30th of that month. 84 town-level people's representatives voted in favor, 7 opposed, and 1 abstained. Finally, 12 projects were selected by the representatives through discussions and consultations as the urban infrastructure construction projects in 2005.

This is a part of the democratic talkfest in Taizhou. Today, in Wenling, a small town in eastern Zhejiang with a permanent population of 1.16 million, the government budget talkfest similar to that in Zeguo Town has spread across all the towns. Each township holds regular or irregular democratic talkfests according to their actual conditions. Each talkfest has a different theme, mainly focusing on local key work and issues that are generally concerned by the people. Five or ten days before the talkfest, the topics, time, and venue of the talkfest will be announced in townships, towns, and villages in the form of an announcement. The public opinion representatives will receive the description materials and neutral and impartial introductions of the projects provided by the expert group. The people voluntarily participate in or are randomly selected to participate in the talkfest, they may ask questions freely, and the township leaders and leaders of relevant functional departments give explanations, answers, and solutions on the spot. For issues that will take a long time to resolve, officials must clearly commit themselves to a deadline; for issues that cannot be resolved immediately due to objective conditions, officials need to explain the reasons to the public and obtain public understanding. The townships have also established a supporting supervision and handling system to heed to the opinions and requirements of the people.

Is this so-called democratic talkfest also a form of Chinese consultative democracy?

China's consultative democracy is indeed sprouting up at the grassroots level. The practice of consultative democracy at the grassroots level stemmed from the predicament of grassroots work, and it is the result of the co-creation of the government and the people in the reflection on the decision-making process at the grassroots level and decision-making methods in the new era. Community-level work is cumbersome and complicated, and the formulation of public policies involves a wide range of specific issues. With the deepening of reform and opening-up, the market economy system has been basically established, social interests and social structures have become increasingly differentiated, and various interest demands are growing. It is often difficult for a community-level regime to formulate a plan that is satisfactory to all people under the structural changes in social conditions and social contradictions. The traditional approach of unilaterally formulating policies by political officials has

significantly intensified the confrontation between the government and the people, so community-level workers are under great pressure and shoulder arduous tasks, while there are more complaints and appeals against them. Under such circumstances, there is an increasing need for consultative democracy to be carried out at multiple levels and in various forms to ensure that "the people engage in extensive consultations before major decisions are made in order to reach consensus on general issues."

The aforementioned democratic talkfest is a typical form of community-level consultative democracy in China, which has emerged in response to the defects of the traditional system. After the 1990s, with the rapid growth of the collective economy and the accelerated pace of urbanization, the problems in rural areas have increased sharply and become more complicated in Wenling City, Zhejiang Province; the working methods of some township officials were simple and rude, and there are escalating conflicts between the Party branch committee and the villagers' self-governance committee in some villages. The village-level financial management is chaotic, and some village leaders have privately allocated collective assets and public funds, gradually alienating the distance from farmers. In such case, on the one hand, farmers have strong willingness to participate in politics, and on the other hand, some of them have adopted fierce ways to express their opinions when there are limited participation channels and often made helpless choices to send appeals to higher authorities for help. In order to reverse this situation, the leaders of Songmen Town, Wenling City, held several forums before making decisions. The forums covered a wide range of issues closely related to the interests of the people, from the investment environment of townships and townships to the planning of township construction, to disputes in the neighborhood and price of tap water. The township officials discarded their "bureaucratic airs," communicated with the people, listened to the people's true ideas and requirements, and made relevant explanations or clarified relevant facts. As a result, the venues were crowded with participants, and villagers participated actively in the talkfest. Immediately after, the surrounding towns also successively carried out similar activities, and the democratic wave was sweeping over the city. The prefecture-level Party committee and government attached great importance to these activities, and soon the similar forums were all named "democratic talkfest" and were promoted to the whole city.

In addition to democratic talkfest, democratic financial management meetings, convenience service windows, residents' forums, democratic hearings, residents' or villagers' representative assemblies, etc.,[16] as well as participatory budgets in some areas, are also the diverse community-level forms of China's consultative democracy. Consultative democracy is in line with the practice of community-level democracy in China and represents a new direction for the development of community-level democracy in China.

[16]For details of each form, see "China's Participation and Consultation System" by He Baogang and Chen Chengxin in *Development of Consultative Democracy* edited by Chen Shengyong and He Baogang, China Social Sciences Press, 2006, pp. 92–108.

1.2.2 Combination of Consultative Democratic Technology and Other Political Systems

The *Law on Property Rights (Draft)*, as the 12th law that was published to solicit opinions from the general public during the formulation process since the founding of the People's Republic of China, has undergone 13 years of preparation, extensive discussions, and consultations. The drafting of the *Law on Property Rights* began in 1993. Since December 2002, the National People's Congress and its Standing Committee have conducted eight rounds of deliberation on it, during which the full text was published to solicit opinions from the general public, and more than 100 symposiums and legislative argumentation meetings were held to listen to the opinions of all parties. On July 10, 2005, it was published by the General Office of the NPC Standing Committee to the general public, and people from all walks of life carried out heated discussions on hot topics and focal issues in the draft. People from all over the country have actively put forward their opinions and suggestions through the Internet, newspapers, and other media and letters. In just one month, the Legislative Affairs Commission of the NPC Standing Committee received a total of 1,032 pieces of opinions from the people throughout the country. Meanwhile, Beijing, Zhejiang, Guangxi, Tianjin, and other places also invited experts, scholars, and citizens to jointly discuss related issues in the form of seminars. Experts, scholars, CPPCC members, property companies, laid-off workers, and various social groups such as individual industrial and commercial households registered to participate in the seminars.

Are the opinion soliciting and discussion meetings mentioned above in the legislative process a manifestation of China's consultative democracy?

Admittedly, consultative democracy is a form of democracy through which the state has expanded Chinese citizens' participation in legislation, and the legislative drafts are published to widely solicit opinions from citizens during the formulation process fully reflecting the characteristics of pluralism, equality, and responsibility in consultative democracy. With the development and improvement of the political consultation system and the rapid spread of community-level consultative democracy, China's consultative democracy is further expanding into other important political systems in the country, including the system of people's congresses and the system of Party congresses.

The National People's Congress is the highest organ of state power and the largest public opinion organ in China. The people's congress system is China's fundamental political system. However, this fundamental political system is at risk of being merely nominal and being depowered in actual operation, so it gets the nickname "rubber stamp." In order to activate the system of people's congresses and further standardize and give to play the role of the system of people's congresses in the social and public realms, consultative democratic technology has been introduced into all aspects of the system of people's congresses.

In the election process of deputies to the people's congresses, indirect elections at various levels counteract citizens' recognition of deputies to the people's congresses. The authority of the people's congresses is greatly restricted. Only on the basis of a full understanding of the candidates can we judge whether they are suitable for the career of the people's congresses and whether the true voice of the people can be conveyed. Therefore, in the procedures for nominating and determining candidates in the Chinese election law, it is stipulated that the voter groups in the respective electoral districts should determine a list of formal candidates on the basis of the opinions of the majority of voters after repeated deliberation, discussion, and consultation.

In the legislative process of the National People's Congress, the background of indirect election of deputies to the people's congresses participating in national legislation has undermined to a certain extent the public's recognition of deputies to the people's congresses. In addition, some deputies to the National People's Congress have not conducted in-depth community-level investigations and listened to public opinions before filing their motions, so laws and other bills adopted by the NPC will deviate from the needs and vital interests of the people. The public began to expand their power demands for legislative participation through other channels, which has theoretically and practically promoted the role of consultative democracy in legislation. The successful application of hearings, forums, Internet forums, and other forms has expanded the channels for citizens to participate in democratic consultations. This is fully reflected in the consultation process of the *Property Law*, which reached the peak of discussions in a single law in the history in 2005.

In 2007, the combination of the mechanism of consultative democracy and the system of Party congresses with regular annual conferences pushed China's consultative democratic system a step forward in the field of democratic construction within the Party. The 2nd Session of the 12th Party Committee of Tiantai County, Taizhou City, explored the reform of the permanent system of Party congress: first, the members of the Party committee of the county and members of the standing committees of the Party committee held a talkfest with Party member representatives; second, Party member representatives held a talkfest with Party organizations at various levels under the Party committee of the county; third, Party member representatives held a talkfest with Party members of the electoral units. Tiantai County has formulated detailed rules on the talkfest at the three levels. Since then, democracy talkfests have been introduced and expanded inside the Party in Taizhou, providing an institutional platform for better protection and realization of Party members' democratic rights in the new era.

1.3 Policy Framework of China's Consultative Democracy

In October 2014, General Secretary Xi Jinping chaired the 6th Meeting of the Central Leading Group for Comprehensively Deepening Reform to deliberate on the *Opinions on Strengthening the Construction of a Socialist Consultative Democracy* (hereinafter referred to as "the Opinions"), which proposed that

to promote wide, multitiered, and institutionalized consultative democracy is "the important contents of the reform of the political system and described a "6 + 1" socialist consultative democratic system with Chinese characteristics, that is, to strengthen the existing consultations among political parties, people's congresses, government departments, CPPCC committees, people's organizations, communities, and explore consultation in social organizations. This top-level design that attaches importance to and expands Chinese-style consultative democracy provides policy guarantee for the normalized development and institutionalization of China's consultative democracy. On February 9, 2015, the CPC Central Committee issued the Opinions (Zhongfa No. [2015] 3), which clearly specifies the essential attributes and basic connotations of socialist consultative democracy, expounds on the profound significance, guiding ideas, basic principles and channel procedures for strengthening socialist consultative democracy, and makes comprehensive arrangements for promoting consultations carried out by political parties, people's congresses, government departments, CPPCC committees, people's organizations, communities, and social organizations.

This is the first policy document of the CPC on consultative democracy, and it is of great significance to guide and promote extensive, multilevel, and institutionalized development of consultative democracy. In the political situation that focuses on strengthening the centralized and unified leadership of the CPC Central Committee, "consultative democracy" as an institutionalized mode of advisory and consultation that strengthens multiple channels and methods is an actual supplement. It is noteworthy that the institutions involved in "consultation in non-communist parties," "consultation in the system of people's congresses," and "consultation in the political consultative conference system," which are placed in key positions, including several major democratic parties, CPPCC members, and deputies to the People's Congress and are intended to represent various social groups. Therefore, in the sense of system design, the Opinions clarify the specific system and specific exploration directions for strengthening the links between various institutions and the people, and it is a programmatic document guiding the construction of socialist consultative democracy.

2 Institutional Connotation and Functions of China's Consultative Democracy

Based on the above development context, how to understand the connotation of China's consultative democracy? What unique institutional functions does China's consultative democracy have?

2.1 Institutional Connotation of China's Consultative Democracy: Multilevel Consultation

The existing Chinese consultative democracy can be understood from at least the following aspects.

First, the CPC clearly takes improving the socialist consultative democracy as one of the important tasks of China's political system reform. The 18th CPC National Congress proposed that the reform of China's political system will be carried out mainly in four aspects: organs of state power, CPPCC committees, political parties, and people's organizations. Therefore, as an important task for the reform of the political system, on how to "improve the socialist consultative democracy," the report to the 19th CPC National Congress put forward the overall and directional guidelines: "We will advance extensive, multilevel, and institutionalized development of consultative democracy, and adopt a coordinated approach to promoting consultations carried out by political parties, people's congresses, government departments, CPPCC committees, people's organizations, communities, and social organizations."

With institutionalization and deepening of political consultation, its consultation fields and constituencies are also expanding to meet the actual needs of the economic and social development. After the 3rd Plenary Session of the 11th CPC Central Committee, as the patriotic united front continued to grow and expand, the constituencies participating in the CPPCC continued to adjust and expand, the main structure of the democratic consultation of the CPPCC is expanding, and the inclusiveness of consultative democracy is increasingly enhanced. On the one hand, the number of members of the eight democratic parties participating in the CPPCC National Committee has increased continuously, from 245 in the 5th CPPCC National Committee, 249 in the 6th CPPCC National Committee, 336 in the 7th CPPCC National Committee, 340 in the 8th and 9th CPPCC National Committees, to 379 in the 10th CPPCC National Committee.[17] On the other hand, the 6th CPPCC National Committee added two constituencies: "All-China Federation of Compatriot in Taiwan Region" and "The Compatriots in Hong Kong SAR and Macao SAR"; the 7th CPPCC National Committee decided to restore China Association for Science and Technology as a constituent unit; the 8th CPPCC National Committee added the "economic constituency" and divided the original "Hong Kong and Macao compatriots" into "Hong Kong compatriots" and "Macao compatriots," bringing the number of constituencies of the CPPCC to 34. Especially since the 9th CPPCC National Committee, the constituency setting and the composition of members have been timely added, and the representatives of new social strata emerging from social changes were attracted into the CPPCC committees and the political process, further expanding the scope of the subjects of democratic consultation. For example, with the continuous relaxation of the policy environment, the nonpublic ownership economy has developed vigorously and accounted for a considerable share of the national

[17] *Characteristics of Changes in the Constituencies of the People's Political Consultative Conference in the New Era and Their Causes*, China Periodical Information Network (http://www.xueshu-zikan.cn/vip.hp?cid=113&tid=18620&page=2), April 28, 2009.

economy, and the political quality and enthusiasm of political participation of owners of non-state-owned enterprises have continued to increase. Publicly available data show that 20 members of the 8th CPPCC National Committee in 1993 were from the nonpublic ownership economic sector, and this figure rose to 65 in the 10th CPPCC National Committee in 2003. The proportion of representatives of frontline workers and citizens is gradually increasing. The extensive subject structure of democratic consultation of the CPPCC is compatible with the increasingly differentiated social structure, and has produced a strong social integration function.

Second, we should give full play to the role of the CPPCC as an important channel for consultation democracy and a specialist consultative body. Since "consultative democracy" was proposed in the report to the 18th CPC National Congress, the significant contribution of the CPPCC in the process of the Chinese revolution and construction has been highly affirmed, which means that the status and role of the CPPCC has been raised to a new height. The CPPCC, as an important part of the national governance system, bears a more important and arduous mission, that is, we must insist on the deployment and promotion of the cause of the CPPCC in the overall development of the cause of the Party and the state.

Third, the main path is to improve consultative democracy through institutionalization, which is, to improve the system and working mechanism of consultative democracy, and promote its extensive, multilevel, and institutionalized development. The CPPCC is an important channel exercising consultative democracy, which also means that it is not the "only channel." Extensive consultations should be carried out on major issues relating to economic and social development as well as specific problems involving the people's immediate interests through organs of state power, CPPCC committees, political parties, and other channels, and community-level democratic consultations should also be carried out actively. The CPC is fully aware of the diverse forms of the consultative democracy system and can deeply explore the resources and advantages of the political consultative system and use it as the main institutional platform for the development of consultative democracy and promote the development of consultative democracy in organs of state power, political parties, social organizations, and people's organizations.

Therefore, the multiparty cooperation and political consultation system led by the Communist Party of China is the most important content of China's system of consultative democracy. The institutionalization and proceduralization of the grassroots mass line is another important aspect of China's consultative democracy. According to "6 + 1" socialist consultative democratic system with Chinese characteristics, the application of the technology of consultative democracy in other political systems derived from the system of people's congresses is also the proper justice of China's consultative democratic system.

2.2 *Institutional Functions of China's Consultative Democracy*

China's system of consultative democracy can continue to develop in different historical periods and was reborn after twists and turns because it can give full play to its institutional functions in different historical periods and different fields, reflecting the superiority of socialist democracy with Chinese characteristics.

2.2.1 Social Integration Function

China's system of consultative democracy coordinates and integrates the social relationships between political parties, social groups, and different ethnic groups through coordinating the interests of all parties through party organizations, administrative organizations, and nongovernmental organizations. This system exerts its functional advantages in alleviating social contradictions and promoting social consensus in contemporary China where industrial transformation and upgrading and frequent social contradictions have frequently occurred.

In China's political ecology, democratic parties are not only important political organizational forces, but also political organizations that integrate relevant social foundations. These democratic parties are political alliances of the socialist working people, builders of socialism and patriots who support socialism, among whom they have maintained ties, respectively. They represent the reunification of the motherland, culture and education, national industry and commerce, cultural and educational publishing, medicine and health, returned overseas Chinese and relatives, and the people of Taiwan region and other areas, accept the leadership of the CPC and cooperate with the CPC. They give opinions and suggestions to the CPC and the state mainly through carrying out surveys and research, reflecting social conditions and public opinions and conducting consultations, etc.

Given that China is a unitary multiethnic country and most ethnic groups have their own religious beliefs, the CPPCC has incorporated the work related to ethnic and religious affairs into its work scope and established the ethnic and religious constituencies and the committees for ethnic and religious affairs to give play to the main role of members of ethnic minorities and religious circles and realize the integration of ethnic and religious affairs. Paying attention to the livelihood and interests of the people of ethnic minorities and people with religious beliefs and integrating the adaptive relationship between religious beliefs and socialism in the form of consultative democracy will help guide people of religious circles and people with religious beliefs to play an active role in economic and social development.

Since the reform and opening-up, social groups in China have become increasingly differentiated, and owners of nonpublic ownership enterprises, "white collars" workers, migrant workers, and other social groups have emerged. Most of them are outside the system, but meanwhile, they are part of the social foundation of the state power as the builders of the socialist cause with Chinese characteristics. To this

end, the CPPCC has also continuously improved its function of integrating social classes, created a comprehensive united front pattern, and enhanced the plasticity and inclusiveness of the original mechanisms for participation in deliberation and administration of state affairs, so that more social classes such as emerging social groups have the opportunity to express their appeals and safeguard their own interests.

2.2.2 Democratic Supervision

The democratic supervision function of China's system of consultative democracy is firstly reflected in its openness. Openness is an important principle of consultative democracy, and the openness and transparency of various proposals is an effective way to monitor the abuse of public power. In China, in accordance with the relevant regulations of the CPPCC, a press conference should be held and a press spokesman should be appointed for each plenary session of the CPPCC National Committee; news reports should be generally arranged for each meeting of the Standing Committee and each special forum for members of the Standing Committee. In various consultations and dialogues between the government and the society, such as the democratic hearing system and the democratic talkfest system, besides auditoria, media reports also should be allowed. Second, the consultation process should intuitively reflect the institutional function of democratic supervision. The extensive participation of consultative democracy with Chinese characteristics enables all sectors of society and various interest groups to safeguard individual and collective interests through consultations and discussions and to transcend individual or group interests, effectively safeguard the common interests of society, and promote scientific and democratic public decision-making, that is, to give to play the role of political supervision.

The democratic supervision of the CPPCC is an important part of China's socialist supervisory system and the political supervision is exercised by airing opinions and making criticisms and suggestions on the basis of adherence to the Four Cardinal Principles.[18] After all, democratic supervision is also political consultation. As its main function is democratic supervision, the CPPCC has no right to give approvals and make punishments like the Party and government organs, nor can it order other parties to admit their mistakes face-to-face and make self-criticisms as intra-Party criticisms and self-criticisms. It can only put forward criticisms through consultation as references. Participation in the deliberation and administration of state affairs is the basis of political consultation and democratic supervision, and the source of opinions and suggestions for political consultation and democratic supervision. Without the practice of participation in the deliberation and administration of state affairs, and without microlevel participation in activities and perceptual understanding, no scientific and reference consultation opinions and suggestions will be formed. The

[18]The General Office of the CPPCC National Committee and the Party Document Research Office of the CPC Central Committee, *Selected Important Documents of the Chinese People's Political Consultative Conference* (Part 2), Central Party Literature Press, 2009, p. 793.

results of participation in the deliberation and administration of state affairs can only be reflected through political consultation and democratic supervision. Therefore, the democratic supervision of the CPPCC has grown into a kind of political supervision. Although it does not have decision-making power itself, its supervision power will affect the operation of the political system, and change the power structure and operation mode of the entire political system to ensure that the entire political system runs on the track of people's democracy.

2.2.3 Scientific Decision-Making Function

On the one hand, the CPPCC promotes democratic decision-making in the Party and government through participation in the deliberation and administration of state affairs. Many systems that guarantee the participation of the CPPCC in the deliberation and administration of state affairs, such as the investigation system, the system of reporting social conditions and public opinion, the system of keeping the public informed and a system of public hearings on major issues closely related to the interests of the people, the expert consulting system, the system of democratic centralism, and system of responsibility-for-wrong-decision, have become the elements of democratic decision-making. On the other hand, the people's governments at various levels in China and relevant citizens conduct consultations on governance mainly on the issues concerning real public interests and immediate interests of the masses so as to realize interest articulation, aggregation, and coordination through consultations and further promote scientific and democratic decision-making of the government. While reflecting the demands and wills of citizens, it also enhances the fairness and rationality of public policies and improves the performance of government operation.

Specifically, the system of consultative democracy first strengthens the legitimacy of policies. When public policies are formulated through consultations and discussions, and citizens and their representatives participating in consultations go beyond pure self-interests and limitations and reflect public interests, public policies will win the understanding, approval, and support of the majority of policy objects and effectively be implemented. The aggregate voting method will not reflect people's true will at any time due to its shortcomings such as "randomness" and "ambiguity," so democratic mechanisms must incorporate the process of public consultations.

Second, the system of consultative democracy improves the quality of decision-making. When making complex policies, decision-makers carry out consultations through various forms, such as talkfests, discussions, and proposals, to enable different views to collide with each other, gradually clarify the information on the policies, revise the initial points of view, and improve the ability of participants to deal with complex issues while reaching consensus on decision-making. This has effectively overcome the limited rationality and is also conducive to resolving contradictions and conflicts under the pursuit of common goals. In addition, the consultation process allows stakeholders to be absorbed in the decision-making process. The

public policies reached through consultations fully take into account the interests of various groups, including vulnerable groups, embodying the principle of fairness and justice, and improving the responsiveness and tolerance of decision-making.

3 China's Pluralistic Practice of Consultative Democracy

At present, the system of consultative democracy exercises the abovementioned institutional functions at multiple levels of society, including the central government, provinces, cities, towns, and villages, and forms a widespread governance system that operates among political parties, the state, the society, and citizens. Based on the "6 + 1" policy arrangement of the system of socialist consultative democracy with Chinese characteristics, combined with the practice of multi-level and multi-formed consultative democracy governance, China's consultative democracy can roughly be understood from the three main categories of consultation platforms, i.e., political consultations with the CPPCC as the main platform, the institutionalized application of the mass line, and the consultation platform with the use of new social media.

The political consultation system with the CPPCC as the main platform is the core of the development and evolution of China's consultative democracy. The united front is the direct source of China's deliberative democracy, while political consultation is the main channel for the practice of China's consultative democracy, so it forms a major category of China's consultative democracy. The Party should follow the mass line, seeing that everything is for the people and everything relies on the people, exercising the principle of "from the people, to the people." It is the fundamental political line, organizational line, and leadership style of the CPC. The institutionalization and proceduralization of the mass line is to consistently apply the mass line as the stand, viewpoint, and method of thinking and problem-solving in various periods of China's revolution and construction to other political systems and community-level democratic practices in China through adding consultative democratic technology and consultative democratic governance means, which has become another important aspect of China's system of consultative democracy.

3.1 Political Consultation with the CPPCC as the Key Platform

The CPPCC is a key platform for China's ruling party, governments, judicial system to conduct consultations on governance with participating parties, and other people from all walks of life. It is also an important organizational form of the multiparty cooperation and political consultation system under the leadership of the CPC. The latter is the subject of China's political consultation system.

The main ways in which the CPPCC does its work and its consultation procedures reflect the characteristics of adherence to the leadership of the CPC and the consultation and interaction among the ruling party, state organs and participating parties, and between the ruling party and all sectors of society.[19] Political consultation takes the following main forms—plenary sessions of the CPPCC National Committee, meetings of members of the Standing Committee of the CPPCC National Committee, meetings of the Chairs Council, Standing Committee workshops, discussions held by the leading Party group of the CPPCC National Committee as entrusted by its CPC Committee, special consultative conferences held in the name of the CPPCC National Committee, Secretaries-generals meetings, special committee meetings, and internal consultation which are called when necessary and attended by representatives from all circles participating in the CPPCC. Political consultation proceeds in the following steps: the Party committee studies and determines the topics for consultation at the CPPCC according to the priorities of work of that year or the suggestions made by the leading Party group of the CPPCC; the leading Party group of the CPPCC arranges consultation activities in accordance with the unified arrangement of the Party committee, the Charter of the CPPCC, and relevant regulations; the Party committee and the government and the heads of relevant departments report the situation and listen to opinions on related issues; the CPPCC timely sorts out and submits the opinions and suggestions made by the parties and groups and people from all walks of life participating in the meetings; the Party committee, the government, and the relevant departments seriously study and handle the opinions and suggestions submitted to the CPPCC and timely feedback the handling results.

Some people say that the people's congresses have legislative powers, the governments have executive powers, while the CPPCC has no practical powers and therefore is unable to exercise any function. Then, how effective is the actual function of the CPPCC's political consultation? According to the aforementioned institutional arrangements, CPPCC members have the power to propose bills for and supervise political and public affairs. The results of consultations, as resolutions and motions of the CPPCC or other forms, are presented to the Party and state organs and become an important basis for the ruling party and the state to formulate policies and laws. At the annual plenary sessions of the NPC and the CPPCC National Committee, CPPCC members have also participated in the discussions of major state issues and fully expressed their opinions. This can be seen from some small examples.[20] The white

[19] See *Opinions of the CPC Central Committee on Strengthening the Work of the CPPCC*, Feb. 8, 2006.

[20] For part of the contents, please refer to the *Consultation of the CPPCC National Committee on Qiandao Lake Water Resources Protection Work*, China Water Resources Network (http://sl.Bei, "Vice President of the Central Party School: The CPPCC System is a Unique Chinese-style Democracy", China Net (http://news.easday.com/c/2012lh/u1a64168852.html), March 9, 2012 "Report Concerns Thousand Island Lake", Qiandao Lake News Network (http://www.cnta.gov.cn/html/2012-3/32012-3-1-9-11-11-4480866.html), March 9, 2012; "Human Resources and Environmental Commission's 2011 Work: Working Together to Protect the Thousands of Lakes and Islands", "People's Political Consultative Conference" (http://cpppcc.peope.com.cn/GB/45579/17078544.html), February 10, 2012.

paper *Progress in China's Human Rights in 2009* issued by the Information Office of State Council states that "The CPPCC participates in the discussion of state affairs, puts forward opinions, suggestions and criticisms, and performs its functions of conducting political consultation, exercising democratic supervision and taking part in and managing state affairs through its regular work of making proposals, inspections, carrying out special consultations and investigations, and reporting public opinions. In 2009 the CPPCC National Committee filed 5,820 proposals, of which 5,218 were placed on file; it compiled and reported to the central leadership 267 reports on social conditions and public opinions, and conveyed 1,435 comments and suggestions involving the people's livelihood; it submitted 12 reports on its inspections and investigations on the development of small and medium-sized enterprises and on the economic and social development of areas inhabited by ethnic minorities, communicated with relevant ministries about the adoption and implementation of the inspection results, and endeavored to establish a sound system at the feedback stage." In addition, the CPPCC National Committee has also participated in the discussions on a number of issues related to governance and made positive suggestions.[21] In recent years, democratic consultation has gradually entered the decision-making process, which has enabled the Party and state to make major decisions on the basis of full consultations and has promoted the combination of consultative democracy and ballot democracy from a procedural perspective, realizing the integration of democratic system and mechanism.[22]

The CPPCC has jointly carried out research with other parties on the topics that are in urgent need of the state, welcomed by the localities and difficult to be coordinated and resolved between departments, and to get more and better results in the work has gradually become an important basis for research topics. The survey on the protection of water resources in Qiandao Lake, which was formally launched at the end of 2010, is such a successful example of coordinating all parties to work together to protect environmental resources.

Qiandao Lake is located in Zhejiang Province, and its headwater is the Xin'an River in Anhui Province. It is a huge and rare source of high-quality fresh water resources and strategic reserve drinking water in China. Qiandao Lake and the Xin'an River basin are important ecological barriers in Zhejiang and Anhui provinces and have a bearing on the ecological security of the entire Yangtze River Delta region. Protecting the water resources of Qiandao Lake and formulating a comprehensive water resources protection plan for Qiandao Lake are not only the responsibility of Zhejiang and Anhui provinces, but also a requirement of the national 12th Five-Year Plan. However, with the rapid advancement of industrialization, the lake water is polluted. In November 2010, the Committee of Population, Resources and Environment of the CPPCC National Committee organized some members and relevant comrades of the National Development and Reform Commission, the Ministry of

[21] Xinhuanet (http://news.xinhuanet.com/ziliao/2010-10-09/26/c_126660387_7.htm), September 26, 2010.

[22] Zheng Yan, "Actively Promoting the Building of Consultative Democracy with Chinese Characteristics? *Guangming Daily*, 11th edition, May 30, 2011.

Environmental Protection, and the Ministry of Water Resources to conduct a special survey on water resources protection in Zhejiang Province and inspected the cross-section of Qiandao Lake at the juncture of Zhejiang and Anhui and the water quality in the downstream outbound zone. They went down to the grassroots to get the relevant information and solicit opinions from all sides. The survey results show that Qiandao Lake still maintains good water quality at present, but the eutrophication level of the lake water is showing a rising trend, the security situation of the water environment is worrying, and there is a danger of repeating the tragedies of water resources in other lakes such as Taihu Lake and Dianchi Lake. Many CPPCC members in the survey team are experts on water resources protection and local economic and social development. They proposed the compensating subjects, compensating standards and costs of the ecological compensation mechanism and various links in the *Survey Report on the Water Resources Protection of Qiandao Lake*, which should all be determined at the national level. The water quality survey report for Qiandao Lake received great attention from the central leadership, and the central leadership has made important instructions. Upon the approval of the State Council, the National Development and Reform Commission, the Ministry of Finance, the Ministry of Environmental Protection, and the Ministry of Water Resources have jointly conducted the survey. The situation reflected and the policy suggestions proposed in the survey report have proved that the opinions of the CPPCC members are correct.

On the premise that the problems have been confirmed and the measures have been suggested, the CPPCC continued to play an important monitoring role in policy implementation. The protection of water resources at Qiandao Lake involves the functions of the two provinces and the National Development and Reform Commission, the Ministry of Water Resources, the Ministry of Environmental Protection, the Ministry of Finance, and other departments. The most critical point is close cooperation and seamless connection. A trans-basin and trans-province coordinated management mechanism was jointly established by the National Development and Reform Commission, the Ministry of Environmental Protection and the Ministry of Water Resources, and the ecological and water resources protection plan for the Xin'an River basin was formulated. Therefore, the CPPCC National Committee did not stop there, and it conducted the second survey in 2011 to confirm the implementation.

Conducting surveys is an important way for the CPPCC to provide effective supervision, but the CPPCC does far more than just conducting surveys. The CPPCC also has proactively established platforms for solving problems through consultations.

In accordance with the central leadership's instructions and relevant suggestions from the survey report, combined with the formulation of the *Plan* and the launch of the pilot project for water environment compensation in the Xin'an River basin, the CPPCC National Committee held the Consultation for Protection of Water Resources of Qiandao Lake in Beijing on November 8, 2011. Leaders from seven ministries and commissions and Zhejiang and Anhui provinces were invited to attend the consultation. On the one hand, the CPPCC National Committee strengthened horizontal and vertical alliances and actively deepened cooperation with the democratic parties and different ministries and commissions. The Committee of Population, Resources and

Environment of the CPPCC National Committee actively urged the National Development and Reform Commission to take the lead in formulating the *Comprehensive Plan for Water Resources and Ecological Environment Protection at Qiandao Lake and Upper Reaches of the Xin'an River*, bringing the issue of water resources protection in the Xin'an River basin to the national strategic level. The *Plan* has become China's first comprehensive plan in a real sense to integrate economic and social development with ecological environmental protection in the river basin and to coordinate the ecological protection and economic development issues in the developed and less-developed areas in the upper and lower reaches of the river basin. On the other hand, the CPPCC promoted detailed discussions on many specific implementation details at the consultation. At this consultation, the CPPCC National Committee once again urged the relevant departments to improve the working mechanism and ecological compensation mechanism. The representatives from the Ministry of Land and Resources, the Ministry of Environmental Protection, the Ministry of Industry and Information Technology, the Ministry of Finance, the Ministry of Housing and Urban-Rural Development, the State Forestry Administration, and other relevant ministries and commissions jointly carried out deliberations and consultations on many pending problems in protection of water resources of Qiandao Lake with representatives from Zhejiang Province and Anhui Province. Finally, a Qiandao Lake governance plan taking into account the interests of all parties was adopted, indicating a substantive operational phase of the comprehensive governance of Qiandao Lake water resources, highlighting the functions of the CPPCC's advice and democratic supervision.

Apparently, the CPPCC does not have legislative power as the people's congresses, nor does it have administrative power as the governments, but the CPPCC can help stakeholders to reach an acceptable consensus through surveys and democratic consultations, and coordinate and supervise all parties' efforts to promote the improvement of governance performance. According to the pilot program, the relevant state departments arranged 300 million Yuan, of which 200 million Yuan was allocated by the central government and 100 million Yuan by Zhejiang Province, to support the construction of environmental protection infrastructure such as sewage treatment plants in the upper reaches of the Xin'an River, and the Ministry of Environmental Protection measures the indicators in real time every 4 h. The people of Zhejiang and Anhui in the Qiandao Lake and Xinan River basins rejoiced at this. They are fully aware that the protection of the Mother Lake can receive great attention from the state and become a state-level strategic plan which is inseparable from the continuous attention and unremitting efforts of the Committee of Population, Resources and Environment of the CPPCC National Committee. Many problems they reflected to the Committee of Population, Resources and Environment of the CPPCC National Committee have been adopted and are included in the comprehensive plan. The CPPCC National Committee carried out surveys and consultations with specialists and representatives from all sectors of society on the protection of high-quality water resources at Qiandao Lake, promoted the active follow-up of

relevant provinces and national ministries and commissions, making great contributions to the establishment of a new mechanism for coordinating economic and social development and ecological environmental protection in the whole river basin.

On March 3, 2012, at the opening ceremony of the 5th Session of the 11th CPPCC National Committee, the protection of water resources of Qiandao Lake became an important achievement mentioned in the report on the performance of duties of the CPPCC National Committee. The annual plenary sessions of the NPC and the CPPCC National Committee attracted widespread attention both at home and abroad. This not only benefits the people of Chun'an, but also means the unprecedented endeavors for protection of water resources and ecological environment of Qiandao Lake. New requirements were also raised for environmental protection for Qiandao Lake. This urged the Committee of Population, Resources and Environment of the CPPCC National Committee to continue to arrange work in accordance with the decisions and arrangements of the Party and the state as well as the CPPCC's work priorities in its next year's plan. In this way, it can give play to its own advantages and conduct in-depth investigations on the major practical issues of concern in the fields of population, human resources, and environment so as to coordinate the efforts of all parties and make new contributions to building a resource-saving society and environment-friendly society and improving the level of ecological civilization.

In order to protect the water resources of Qiandao Lake, the CPPCC first carried out surveys and formed suggestions, and these suggestions received great attention from the central leadership. Then it provided a platform for stakeholders to conduct face-to-face consultations and finally reached a consensus and formulated an action plan to solve the problems. Things like this are too numerous to mention. The CPC Central Committee issued Document No. 5 in 2006, which called for further strengthening the functions of the CPPCC. In 2011, the consultative functions of the CPPCC were written into Document No. 16 issued by the General Office of the CPC Central Committee. Since the two documents were issued, the Party committees and the governments in various places have paid more attention to the organization of the CPPCC and consultative democracy. Among them, Guangdong Province adopted a decision that the CPPCC conducts consultations before policy decisions are made by the Party committee; Jiangxi Province also adopted a document to incorporate political consultation into the local decision-making procedures. In the past, consultations should be conducted before making a policy, now consultations must be conducted before making a policy. Without political consultation, no issue will be discussed by the Party committee. As the Party and the state made major policies based on full consultations, political consultations have effectively improved the governance performance of the country and society in all aspects of economy, politics, and environment.

China is the largest developing country in the world and a late-developing country with multiple parties, ethnic groups, religions, and classes. With the deepening of reform and opening-up and the development of a socialist market economy, China is undergoing a comprehensive and profound social transformation, and the diversity, selectivity, and autonomy of various social interest groups have enhanced. Meanwhile, after the return of Hong Kong and Macao to China, different social systems,

ideologies, and lifestyles coexist. In the face of these profound social changes, the political consultation system of the CPPCC as an organizational form in which political parties and social organization alliances cooperate in deliberating on state affairs can fully reflect the interest demands of various social classes, balance various interest relationships, and strengthen social cohesion and promote political stability and social harmony by focusing on the two main themes of "unity" and "democracy."[23,24]

3.2 Institutionalized Mass Line

Practically, the institutionalized mass line includes both the community-level social consultative democracy system and the application of a variety of political system areas that have been continuously introduced and evolved.

3.2.1 Community-Level Social Consultative Democracy System

The democratic talkfest in Taizhou, Zhejiang, is a manifestation of the further institutionalization of the CPC's mass line after the technology of consultative democracy was incorporated, and a manifestation of the further development of the social consultation and dialogue system constructed by the CPC in the field of community-level democratic governance. Therefore, to understand the system of consultative democracy of the grassroots society in China, we must first understand the mass line.

The mass line can be described as a major theoretical and practical innovation in contemporary China. The historical achievements of the CPC since the Yan'an period were largely made due to the adherence to the mass line. The mass line is first and foremost a type of historical ontology. It considers the masses as the subjects of the society. It emphasizes that the masses are the basic force for promoting historical development and the basic force for the CPC to realize its historical missions. Since its establishment, the CPC has positioned itself as a Marxist party that represents the interests of the broad masses of the people. Therefore, serving the people wholeheartedly is its bounden duty, and it will only achieve success by relying on the people. The founders of the Communist Party of China were China's revolutionaries whose mission is to rebuild China's political, economic, and social systems. In the early stage after the founding of the CPC, there were only dozens of members. In the face of the ruler who monopolized all state power, only by going deep into the people and serving the people could the Party survive and develop, gradually accumulate

[23] *Hu Jintao's Speech at the 60th Anniversary of the People's Political Consultative Conference*, People's Daily Online, September 21, 2009.

[24] Zhang Aijun and Gao Yongze, "Deep Connection and Limited Separation: The Correlative Study of the CPPCC and Consultative Democracy," *Journal of Yunnan Administration College*, No. 3, 2010.

strength, and finally gain the victory of the revolution. It is the long-term historical experience that has made adherence to the mass line the leadership and working style of the CPC.

The CPC is always keenly aware that the people and the regime are closely related. As Comrade Jiang Zemin pointed out: "The future of a political party or a government is determined by whether it enjoys public support. If it fails to win the support of the broadest masses, it will inevitably collapse."[25] In order to effectively follow the mass line, the CPC lays emphasis on ideological and political work and has taken various measures, one of which is the consultation and dialogue system. The 13th CPC National Congress attempted to establish a system of consultation and dialogue between the state and the society at various levels and in various fields throughout China. "The basic principle of establishing a system of consultation and dialogue with the society is to carry forward the fine tradition of 'from the masses to the masses,' to increase the openness of the activities of the leading organs, and let the people know about major situations and discuss major issues. Presently, we must first formulate several regulations on the consultation and dialogue system and clarify which issues must be resolved through consultation and dialogue. Consultations and dialogues on major issues at the national, local, and grassroots levels should be carried out at the corresponding levels. The leading organs at various levels must take it as a major task in their leadership work. We should further give play to the role of existing channels of negotiation and dialogue and strengthen opening new channels. Various modern news and publicity tools should be made use of to enhance reporting on government affairs and Party affairs, give full play to the role of public opinion, support the masses to criticize shortcomings and errors in work, and combat bureaucracy and all kinds of malpractices.[26]

This is a democratic governance system that is relatively independent of the political consultation system. It is committed to coordination, integration, and management of different interests, opinions, and requirements in the field of public affairs rather than coordinated distribution of state power among different regions, different nationalities, and different social classes. In today's China where community-level democratic election systems are widely promoted, the system of consultative democracy in the community-level society mainly sets out from scientificization, democratization and responsiveness of decision-making, and plays an important role in ensuring the effective operation of elected power and strengthening the legitimacy of community-level political power.

The democratic talkfest in Taizhou is actually an innovative form of this consultation and dialogue system in the new era. The Party Committee of Songmen Town, Wenling, Taizhou, while responding to the requirements of ideological and political work of the Party committee at a higher level, hopes to change the centralized education model of unidirectional preaching that has been practiced for many years and

[25] Jiang Zemin, *On the Three Represents,* Central Party Literature Press, 2001, p. 72.

[26] Edited by the Literature Research Office of the CPC Central Committee, *Selected Important Documents since the 13th CPC National Congress* (Vol. 1), People's Publishing House, 1991, p. 44.

has launched a pilot program of "Agricultural and Rural Modernization Education Forum" to invite the people to participate in the dialogue under the guidance of the working group of the municipal Party committee at the higher level. As a result, more than 600 people participating in the forum asked 110 questions, among which 84 were explained and answered on the spot, and 26 were promised to be handed over to the relevant departments for settling. The forum achieved good results and attracted the attention of the Wenling Municipal Party Committee. Wenling timely promoted various dialogues in various townships and gradually established a set of relatively complete democratic norms for the masses to participate in making decisions on grassroots public affairs beforehand, conduct democratic supervision during their implementation, and conduct democratic review afterward.

In the practice of governance-oriented community-level democracy, the government is in the leading position. Therefore, the attitudes of Party and government organs and leading officials at various levels have a great impact on the effect of democratic talkfests. The main institutional guarantee for the ruling party to implement the mass line is to implement democracy, and the main institutional obstacle is the bureaucratic leadership style in which the governments are isolated from the people. The adherence and deepening of the mass line aims to prevent the bureaucratic style. The institutionalization of democratic talkfests is exactly such a process of changing thoughts and working styles and deepening democratic reforms.

Institutionalized democratic talkfests, based on the initial form of dialogue, have evolved into a standard mode of democratic talkfests at the village, town, city/county levels. At village-level democratic talkfests, the Party branch and the villagers' committee put forward topics or opinions on the village's public affairs, villager representatives vote on them after being discussed and amended by village representatives and other villagers. The important affairs are discussed and decided by all villagers or representatives of each household at the talkfest. Democratic talkfests at the township (subdistrict) and city/county levels are basically attended by stakeholders. The government proposes a preliminary plan, after seeking the opinions and requirements of the people, the leadership team makes a preliminary decision, and then makes corresponding decision adjustments after receiving feedbacks from the people. The implementation of the decision is supervised by the presidium of the people's congress. The democratic talkfests are classified and their procedures are standardized, and a series of specific and operable systems have been formed, including hearing system, working system, decision-making system, feedback system, supervision system, and green channel for public sentiment. The "Five-step Method" for democratic decision-making at village level in Tiantai County is an example.

With the continuous advancement of new-type countryside construction, objectively we are facing an issue of how to make decisions scientifically and correctly on village-level public affairs so as to ensure the smooth progress of various projects. With economic and social development and the practice of democratic elections for many years, the democratic consciousness of the broad masses of the people has been continuously enhanced, and they have increasingly strong demands for expression of interests and political participation. To cohere the minds of farmers, manage village

affairs effectively, and form a joint force to promote rural reform and development, an effective working mechanism is urgently needed to fully mobilize the enthusiasm and initiative of farmers as the subjects of new-type countryside construction. There are also some problems that should not be ignored in the construction of village-level democracy, such as the contradiction between strengthening the Party's leadership in the countryside and villagers' self-government, the contradiction between village leaders wanting to "act on behalf of villagers" and villagers wanting to "be masters of their own affairs." Meanwhile, community-level democratic systems appear in many forms; some democratic systems are distorted in the implementation process, and a considerable part of them only exist as slogans. In order to effectively explore a unified, systematic, and effective village-level democratic system, in 2005, Tiantai County, with the experience of more than 10 years of villager autonomy, explored to establish a "Five-step Method" of village-level democratic decision-making that incorporates the technology of talkfests based on the suggestions of villagers, and leaders at township and village levels.[27]

First, democratic proposals and written discussions. Collective proposals are made by village-level organizations such as Party organizations, villagers' committees, and economic cooperatives. Villagers' proposals are made by villagers over the age of 18. The contents of the proposals are mostly major village-level affairs, hotspots, and difficult issues related to rural development and stability. The proposals are generally made at the beginning of the year (end of the year) or at the beginning of a new term of office. Before the proposals are submitted, the collectives or individuals should consult the villagers through various means to reflect public opinions to the greatest extent.

Second, democratic motions and face-to-face discussions. Village-level Party organizations accept and review proposals in a unified way. For general affairs, a joint meeting is convened by the Party branch and the villagers' committee to make decisions. For major affairs, a wide range of opinions and suggestions from Party members and villagers are sought through the forms of democratic talkfests, Party members' discussions, interviews, etc. On the basis of this, a joint meeting of the Party branch and the villagers' committee is convened to determine the matters to be submitted for consultation and formulate a voting plan based on the feedback opinions from villagers.

In the subsequent democratic voting, as most villagers have gone out for working or business deals all the year round, and since it is difficult to call together all the villagers to convene the villagers' assembly, the villagers' representatives' assembly (expanded meeting of villagers' representatives) serves as the basic organizational form, and the participants are expanded to include Party members, members of the Party branch and the villagers' committee, directors and heads of various village-level organizations who vote by a show of hands or by secret ballot and form written records. The matters adopted by voting are linked with the village leader commitment system. As the work goal of village leaders,

[27]Refer to the investigation materials provided by the Organization Department of the CPC Committee of Tiantai County of the Zhejiang Province, March 2006.

the Party branch and the villagers' committee make a public commitment to handle the matters, and convene the joint meeting of the Party branch and the villagers' committee within 5 days to formulate the plan, determine the persons in charge, and organize to implement.

Finally, supervision over the implementation in various forms. The Party branch and the villagers' committee disclose the work goals of the village-level leaders, responsible persons, and progress in a timely manner through the village affairs opening column to accept the supervision of villagers. In the middle of each year, the Party organization convenes a work commitment report meeting, and villagers' representatives, Party members, and team (group) leaders attend the meeting. The Party branch and the villagers' committee notify the work progress, listen to the opinions of villagers, and accept their questions. At the end of each year, the township/subdistrict-level Party committee organizes a meeting for deliberation on the work reports of leaders. Villagers' representatives, Party members, and other participants make verbal or written comments on village-level leaders. The deliberation results are linked to the leaders' rewards and punishments. Meanwhile, according to actual needs, villagers are organized to propose work goals for the next year.

The characteristics of the "Five-step Method" lie in that its entire process is under the Party's leadership, and by strengthening the influence of Party organizations in the working committee for villagers' proposals and the villagers' representative assembly, it has also enhanced the core role of community-level Party organizations in rural work. When the "Five-step Method" was implemented in a trial basis in Jieyi Village in Jietou Town, a working committee for villagers' proposals was set up in the village with the secretary of the Party branch as the director. After widely seeking the opinions of villagers, 10 practical matters were determined after being voted at the villagers' representatives' assembly, including the construction of the waxberry base. The working committee for villagers' proposals assigned the responsibilities to the Party branch and the villagers' committee, and organized all Party members and villagers to participate in these tasks. With an investment of 5.5 million Yuan, these 10 tasks were completed in a year and a half. At present, the working committee for villagers' proposals headed by the secretary of the Party organization has been established in every village in the county to strengthen the organization, guidance, and supervision of democratic decision-making. The county has also encouraged Party members to be elected as villages' representatives to increase the proportion of Party members in villagers' representatives, to transform the Party's intentions into conscious actions of all villagers, and to realize the Party's effective leadership over villagers' self-governance. In the reelections at the village level, a large number of Party members were elected as villagers' representatives.

This practice of making decisions step by step through integrating villagers' self-governance with the technology of consultative democracy has significantly improved the performance of local governance. On the one hand, the "Five-step Method" protects the villagers' rights to know, to participate, to choose, and to supervise programmatically and institutionally. The wills and ideas of the Party branch and the villagers' committee must be determined through five steps. Villagers' self-governance becomes a reality, and 56 of the 1,336 matters in the county were

rejected because they were disapproved by the masses. During the construction of roads in Yantaxia Village and neighboring villages in Longxi Township, the villagers' committee wanted to sell the trees in the collective forest of the village to raise funds for road construction, but this was rejected because it affected the interests of the villagers along the way. The plan for establishing a bamboo market of the Party branch and the villagers' committee of Jixi Village in Shiliang Township was rejected by the villagers. Later, they proposed to "build the road first and then build the market," and this was adopted at the villagers' assembly. On the other hand, the "Five-step Method" has greatly stimulated the enthusiasm of both leaders and villagers for governance. The proceduralization of democratic decision-making has strengthened the village-level leaders' sense of responsibility and the good working style of maintaining close ties with the masses. While mobilizing the villagers' management skills and wisdom, it has also enhanced the villagers' support and understanding of village-level leaders' work and created a good atmosphere for both the leaders and the masses to jointly contribute to rural work. After the "Five-step Method" was implemented in Jieyi Village, Jietou Town, it has changed the situation that village-level management work was solely carried out by leaders in the past. In just 5 days, more than 400 open-air manure pits were cleaned up. There are more than 1,000 mu of alpine vegetables in Zhufeng Village, Longxi Township. The Party branch and the villagers' committee had repeatedly proposed to convert the village's idle collective houses into an alpine vegetable market. However, some villagers stored a lot of firewood and sundries in the collective houses and were unwilling to relocate them, so the construction of the market has been postponed. Through the implementation of the "Five-step Method" for democratic consultation, the leaders and villagers reached a consensus through discussion and built a first-rate alpine vegetable market in Tiantai County in a short time.

In 2006, Zhejiang Province issued the *Opinions on Implementing the Democratic Decision-Making System for Major Issues at the Village Level* (Trial),[28] which specifically subdivided the democratic decision-making procedures for major issues at the village level into the "five steps" of democratic proposals, democratic motions, democratic voting, public commitments, and supervision of implementation, and the "Five-step Method" was upgraded to provincial standards. Village-level major affairs such as bridge construction and road construction, formulation of village rules and collective contracts, and collective asset contracting are decided democratically, and this practice has gradually become institutionalized. Village-level leaders in Zhejiang no longer have the final say.

Other regions in China have also begun to implement the "Five-step Method" for community-level decision-making that has employed the technology of consultative democracy. For example, Tieling County, Liaoning Province, started to implement the "Five-step Work Method" for making decisions democratically for village-level

[28] "Zhejiang Province Subdivided Democratic Decision-making Procedures for Major Affairs at the Village Level into "Five Steps," Website of Zhejiang Provincial People's Government, and forwarded by the website of the Central Government (http://www.gov.cn/gzdt/2006-08/16/content_3633633.htm), August 16, 2006.

major affairs in 2006. The five steps include proposal-making by the Party branch, discussion by the Party branch and the villagers' committee, deliberation by Party members, democratic voting, and open deliberation. Based on the local reality several years after its implementation, the "Five-step Work Method" was further improved,[29] adding several links such as township review, town evaluation and village evaluation, and the comprehensive evaluation results were fed back to the village-level Party branch, party members, and representatives of the masses. The evaluation results are linked to village leaders' wages, rewards, and punishments. Since early 2009, the grassroots Party organizations in Jalaid Banner, Inner Mongolia, have implemented the "Five-step Method" of democratic proposals, democratic bills, democratic voting, public commitments, and democratic supervision in village-level democratic decision-making.[30] It was repeatedly used for the difficult tasks in many villages, such as water conservancy reconstruction and construction of public toilets, which has not only solved village-level problems, but also harmonized the relationship between the leaders and the masses. The "Five-step Method" can be found even in the remote southwest minority areas. After Xinhua Township, Jinping County, Qiandongnan Prefecture, Guizhou Province, has implemented the "Five-step Method" for democratic decision-making on major matters at the village level, which mainly involves proposing, accepting, discussing, implementing, and supervising proposals, there has been no petition for village affairs in 6 villages in the township.[31]

While inheriting the fine traditions of the existing mass line, democratic talkfests also combine the advantages of the Western consultative democracy. Emerging in Zeguo Town, Wenling, Taizhou, the techniques of consultative polls have been applied to the process of democratic talkfests to improve the representativeness of public opinion and rationality of opinion expression in democratic talkfests and further strengthen the institutionalization of democratic talkfests.

This democratic system, which has been continuously improved technologically in practice, has also been expanded to various areas of governance. The wage negotiation systems for various industries have quietly emerged in many areas of Zhejiang. In Changyu, Wenling, the main practice was to first establish a trade union, then hold a democratic talkfest on collective wage negotiations, and finally sign the collective wage negotiation agreement. Wen Jiabao, then prime minister, gave the instruction: "Wenling's practice can be summarized and promoted to other areas."

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[29] Liu Baigui, "Promoting the 'Five-step Work Method' for Advancing Democratic Decision-making and Creating A New Situation in Party Work Style and Clean Government Building," *Ling Daily*, http://news.lnd.com.cn/htm/2011-11-11/23/connent__20380108.ht), November 23, 2011.

[30] Li Zhongfeng, "Inner Mongolia Zhalaite Banner Plays Harmonious Music with Five Steps of Democratic Decision-making" Inner Mongolia News Net), July 31, 2009.

[31] "Significant Achievements Made in Xinhua Township's Five-step Working Method for Promoting Democratic Decision-making for Village Affairs," website of Jinping County People's Government (http://www.jpzfgov.cn/info/17477/2304766ht), May 14, 2013.

3.2.2 Consultative Democracy in Other Political Systems

As what Wen Jiabao said, the consultative democratic system is constantly growing, showing strong vitality, and expanding from political and social consultations to other political systems, helping to activate original resources within the system.

While the system of democratic talkfests is playing an increasingly magical role in community-level social governance, the combination of the consultative democratic mechanism with the people's congress system further promotes the development of consultative democracy in China. According to its design, the people's congress has the power to deliberate on and supervise the implementation of government budgets, but it is often in a dormant state in actual operation. Wenling City in Taizhou has carried out the pilot reform in various places, guided the township people's congresses to hold democratic talkfests, incorporated democratic talkfests into the scope of the people's congress, and organized to implement the results of the democratic talkfests in the form of resolutions of the people's congress. Since 2005, Xinhe, Zeguo, and other towns in the city have introduced democratic talkfests into the reform for the budget review and supervision work of the people's congresses, added the preliminary budget draft review process, further refined the budget draft, and carried out trainings of knowledge about budgets and representatives' rights before convening the meeting of the people's congress. Five or more deputies to the people's congress can jointly propose a "budget amendment draft" and hire professionals to set up a financial team of the people's congress at the primary level to carry out regular supervision. The model of the "Budget Democracy Talkfest" in Xinhe's people's congresses actually combines the budget pre-review with the preliminary review, the deliberation and inquiry by the people's congress as stipulated in the Organic Law of Local People's Congresses and the Budget Law, and has created a unique people's congress budget review and supervision system in Xinhe. The significance of Xinhe's reform is that it ensures public participation in the people's congresses' budget review and supervision and improves the procedures for budget review and approval and supervision of budget implementation by township people's congresses to enhance the role of community-level people's congresses in the construction of public budgets. This reform has not only reduced the financial deficit of Xinhe Town, but also explored the development direction of community-level public finance. Since 2008, Wenling has promoted participatory budgeting from the town level to the city level through democratic budget talkfests for departmental budgets to further deepen the reform of participatory budget.

In 2008, Wenling Municipal Transportation Bureau explored the implementation of democratic budget talkfests for departmental budgets, so substantive progress was made in budgetary inspection and supervision of municipal government departments. The democratic talkfest on the budget of the transportation sector involved a total of 760 million Yuan of the budget in 2008. The affairs of the transportation sector are closely related to people's livelihood, which is conducive to the effective implementation of democratic talkfests.

Prior to the democratic talkfest, the 2008 municipal departmental budget (draft) was prepared by relevant municipal government departments and reviewed preliminarily by the Municipal Finance and Economic Work Committee of the Municipal People's Congress. Later, on January 13, 2008, the Standing Committee of the Wenling Municipal People's Congress held a democratic talkfest on the budget of the transportation sector. The talkfest was attended by more than 80 deputies to the municipal people's congress from all sectors of society, ordinary citizens, retired officials, leaders of people's congresses at town (subdistrict) level, heads or experts of relevant departments, heads of relevant committees and offices of the standing committee, and members of the deliberation committee of the Financial and Economic Committee. The government department reported to the participants the planning and preparation of the budget of the transportation sector, including the report of the Municipal Development and Reform Bureau on the transportation construction planning for 2008, and the report of the Municipal Finance Bureau on the preparation of the transportation department budget for 2008, the report of the Municipal Transportation Bureau on the transportation construction work arrangements for 2008, and the report of the Financial and Economic Committee of the Standing Committee of the Municipal People's Congress on the preparation of the transportation department budget for 2008. In these reports, there are not only the descriptions on the budgetary arrangements for the transportation sector for 2008, but also detailed descriptions for the tables by category, items, and subjects, enabling the participants to understand the budget arrangements more clearly and making it easier for the participants to read, understand, and make targeted comments.

After listening to the reports of the Municipal Development and Reform Bureau, the Finance Bureau, the Transportation Bureau, and the Financial and Economic Committee on the abovementioned preliminary review, the participants carried out in-depth discussions on the departmental budget of the Transportation Bureau for 2008 through group and centralized discussions and fully expressed their opinions and suggestions. The group discussions were carried out by dividing the participants into four groups according to their identity and geographical distribution; in centralized discussions, the results of group discussions were first reported by the group leaders, then the departments and representatives held face-to-face talks with the public, and the leaders of the municipal government made final statements. Thanks to Wenling People's Congress's attention and guidance to the promotion of participatory budgets in townships such as Xinhe and Zeguo, as well as the reference to successful practices in procedures, methods, and personnel organization, the democratic talkfest for the budget of the transportation sector was well organized. Some of the participants have participated in the democratic talkfests for township participatory budget more than once and did a familiar work with ease.

After the talkfests ended, the Standing Committee timely tracked the progress and urged the government departments to implement the opinions from the talkfests and improve budget preparation to ensure the quality and effectiveness of the talkfests for departmental budgets. Meanwhile, the talkfests were widely covered by the media in the form of TV column, newspaper's page, and a monographic commentary on the

website of the Wenling People's Congress to make the entire process of democratic talkfests known to the public.

Wenling has many years of experience in the reform of participatory budget at township level, and there are calls from various parties to promote it to the municipal government's fiscal budget, but the Standing Committee of Wenling Municipal People's Congress has concluded after analysis and study that the municipal government's fiscal budget fund is in huge sum and involves many categories; and due to the lack of professionals and experience, it is inevitable that there will be helpless scruples. Through this talkfest on the budget of the transportation sector, citizens can understand the basic principles of government budgeting, transportation departments can be aware of the needs of the public, and all parties can understand the gap between financial capacity and meeting people's wishes to realize adequate communication and reach consensuses. The successful implementation of the democratic talkfest on the budget of the transportation sector has eliminated the original scruple of the municipal government and the financial department on the issue that opening budgets may bring difficulties in balancing regional interests, laying a good foundation for further expanding the participatory budget.

The people's congresses' budget review and supervision has not only enriched the work contents of the people's congresses and their deputies, but also enabled the people's congresses to exercise their functions and powers more effectively in budget monitoring. The interaction between the people's congress, the government, deputies, and the public at the talkfests enables the government to make decisions based on a comprehensive understanding of the economic and social development process in the region and a clear understanding of public opinion. In this way, the decision-making process is more democratic, more scientific and better-regulated, and financial management of the governments and their departments is law-based, scientific, and democratic. Through the participation, dialogue, and consultation in the budget process, the actions of the government are also more legitimate and justified, its work efficiency is higher, and its governance ability is stronger.

In 2007, the consultative democratic mechanism was combined with the permanent system of the Party congress, marking a step forward of China's consultative democratic system in construction of intra-party democracy. The 12th CPC Party Congress of Tiantai County in Taizhou explored the reform of the permanent system of the Party Congress. First, the members of the Party committee and members of the standing committee of the Party committee held talkfests with Party representatives. Second, Party representatives held talkfests with Party organizations under the Party committee. Third, Party representatives held talkfests with members of electoral units. Tiantai has issued the detailed rules for the talkfests at the three levels. Since then, the democratic talkfests initiated by Taizhou have been introduced and expanded into the Party, providing an institutional platform for better protection and realization of Party members' democratic rights in the new era.

3.2.3 Consultative Democratic Platforms Based on New Social Media

While pervading all aspects of social life, new social media also play an increasingly important role in promoting and affecting citizens' political life. New social media consultation platforms, including government affairs WeChat, have become a new approach of consultative democracy in China.

Government affairs WeChat is an approach for the government to release information and interact with the public through an official account.[32] Internal consultation can be performed through its group chat and video conferencing, while external consultation is mainly achieved through actively releasing information and collecting opinions through public platforms. On August 30, 2012, the Emergency Management Office of Baiyun District, Guangzhou, took the lead in launching its government affairs account on WeChat "Guangzhou Emergency-Baiyun Government Affairs." Since then, the government affairs WeChat has gradually become pervasive. On December 15, 2015, at the World Internet Conference-WeChat City Service Sub-forum held in Wuzhen, the Tencent Research Institute and the WeChat Open Platform released *WeChat White Paper on Government Affairs and People's Livelihood 2015*[33] which stated, as of the end of August 2015, governments at various levels in China had opened more than 83,000 public accounts, among which the ministries and commissions account for over 40%. In terms of coverage, government affairs WeChat covers 31 provinces (provinces, autonomous regions, and municipalities) except Taiwan region, and Hong Kong Special Administrative Region and Macao Special Administrative Region. The use rate of government affairs WeChat in 334 prefecture-level administrative regions nationwide has reached 100%, and more than 50% of counties and townships have launched their WeChat public accounts. In terms of functional departments covered, government affairs WeChat covers 54 areas of government affairs such as public security, medical services, Party and government, transportation, education, tourism, human resources, and social security, which can be classified into three major categories: the first category mainly refers to the accounts opened by the Party committees, organs of people's congresses, government departments, CPPCC committees, subdistricts, and other comprehensive departments; the second category mainly refers to the accounts opened by the direct functional agencies responsible for specific business functions; the third category refers to the accounts opened by the departments related to people's livelihood, mainly including medical institutions, post offices, public utilities, and scenic spots. Thus, it can be seen that the WeChat public account application system which composed of ministries and local government departments at various levels has basically formed, and the role and significance of the WeChat platform in improving local e-government and public service levels has been widely recognized.

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[32] Dong Shitao and Jiang Ge, "WeChat Consultations: New Approaches and Strategies for China's Consultative Democracy Construction," *Theory and Reform*, Issue 2, 2016.

[33] *WeChat White Paper on Government Affairs and People's Livelihood 2015*, Tencent Research Institute (http://tencentreach.com/Public/Uploads/filigree/20151215/2015125130_36329), April 28, 2016.

At the central level, the use rate of government affairs WeChat of the ministries and commissions has reached 40.5%, among which 82.5% are subscription accounts with extensive influence. Among all subscription accounts throughout the country, the average active user size of the state-level accounts outshine others, which is eight times that of Shanghai in the second place. For example, the new Party member education platform "Communist Party" account established by the Organization Department of the CPC Central Committee has topped the national government WeChat influence rankings with over 140,000 active users.

At the local level, 45.3% of provincial departments have opened their WeChat public accounts to provide information on government affairs and people's livelihood and public services. Among them, Zhejiang is the first provincial-level administrative region with full coverage of WeChat urban services in China. Zhejiang Province has surpassed Guangdong Province with a total of 5992 accounts to become the provincial-level administrative region with the largest number of WeChat public accounts for government affairs and livelihood. 74.2% of the accounts have been certified, and the entities that have opened their public accounts cover more than 50 functional departments, and the total number of accounts for medical service, government offices, and public security rank among the top three. Hangzhou, Wenzhou, and Ningbo rank among the top three by total number of accounts. In terms of the number of active users, Zhejiang has more than 4 million active users, accounting for about 7.0% of the province's resident population, and it also ranks first in the country, of which "Wenzhou traffic police," "Hangzhou release," "Ningbo traffic police," "Health Wenzhou," and other public accounts have more than 100,000 active users. It is worth mentioning that the central and western regions have become new growth poles. Of the newly opened WeChat public accounts for government affairs in 2015, nearly 60% came from provincial, municipal, and county-level government departments, subdistrict offices, and departments related to people's livelihood in the central and western regions. Although Guangxi Zhuang Autonomous Region, Qinghai and Tibet Autonomous Region rank among the bottom 10 in terms of the total number of accounts, their average annual growth rate is generally higher than the national average. Ningxia, Tibet, Qinghai, Yunnan, and Heilongjiang have an average annual growth rate of more than 200%.

WeChat-based consolation provides a possible approach for equal consultations. Any individual who has a WeChat account and follows the relevant public accounts can express opinions and discuss policies through the WeChat platform, which provides a possibility for multiple and equal consolations. At present, in addition to government affairs-based WeChat, some NPC deputies, CPPCC members, and government officials have also opened WeChat accounts to interact with the people and all parties. CPPCC members can send proposals and discuss through the WeChat interactive platform. Meanwhile, through this platform, members can search members from different constituencies and positions and CPPCC staff, and initiate dialogues, exchange opinions, and solve minor problems in real time, while major issues are discussed at multiple levels to enhance mutual communication. As a result, the CPPCC consultation has become more convenient and quicker with the help of the WeChat platform. For example, Shenzhen has created a "member

representatives' concern about traffic" group consisting of more than 170 persons for traffic issues, and leading officials, CPPCC members, deputies to the people's congresses, and experts make real-time suggestions in the group, while leading officials of government departments deal with them in a timely manner.

WeChat-based consultation not only provides a possible approach for equal consultation, but also makes it possible to improve the quality of consultative democracy. The characteristics that there is strong relationship among WeChat users determine that the information released by government affairs WeChat has clear user positioning, which is more likely to be recognized by users, and it is more likely to improve the credibility of the government. Meanwhile, information dissemination and consultation in the circles are more efficient than in general open public platforms, and even in the debates, the issues that have been neglected can be activated and arouse attention again, which helps to reduce the attention gap among different groups of people.

While continuously innovating the practical forms and activating the existing systems, China's system of consultative democracy has also been enriched and developed. As far as the practical forms are concerned, apart from the important channel of the CPPCC system and democratic talkfests and participatory budgeting in the practice of primary-level democracy, the system of consultative democracy in contemporary China also includes the hearing system before the legislature's decision-making, community forums, residents' assembly, farmers' forums, etc. Among them, the legislative hearing originated from the "citizens' hearing" system of the Standing Committee of the People's Congress of Guiyang City. It has been widely implemented in different levels of legislative organs, covering urban management, pollution control, environmental protection, and social security. The people's congresses in many places around the country have promulgated their *Measures for Legislative Hearings* or *Rules for Legislative Hearings*. The primary-level public forums have been very popular in the self-governing organizations of residents since the implementation of village self-governance and community self-governance in China. The consultative democratic platforms based on new social media are also constantly expanding and being regulated. These institutional measures are of positive significance for standardizing and developing China's consultative democracy.

4 Special Backgrounds and Future Trends of China's Consultative Democracy

To understand China's consultative democracy, we must first have a clear picture of China's national conditions. In today's China, where the CPC is leading the Chinese people to realize the Chinese dream, China's system of consultative democracy does not involve the issue of democratization of political power, and it is the governance

practice under the leadership of the ruling party. It mainly focuses on specific governance issues and aims to reach consensus through consultation, dialogue, debate, etc., so as to improve national and local governance performance.

While its macro-political governance has been continuously improved, China's consultative governance has gradually expanded from the national macro-level to the grassroots society and has gradually developed from the political level to the social level. It has become the political pattern combining cooperative governance by the ruling party, the participating parties and all sectors of society, collaborative governance by the governments and citizens, and consultative governance by citizens and an important way for Chinese citizens to continuously and orderly expand political participation and achieve mastership under the leadership of the CPC. Therefore, consultative governance has become a political link between Chinese political parties, the state, the society and citizens, and has become an important approach of Chinese state and social governance.[34]

For consultative democracy at the state level, we can make full use of the multiparty cooperation and political consultation system as a basic political system, and give full play to the role of consultation and discussion before legislative decisions are made. China's multiparty cooperation structure shows a brand-new cooperative relationship of political parties characterized by democratic consultation and mutual support. It will not lead to political turmoil due to multiparty competition and mutual strife, and can avoid the shortcomings of one-party autocracy and lack of supervision. Consultations run through the entire process before and during decision-making. It can take into consideration the interest demands of the disadvantaged groups and the minority, and to a certain extent avoid the circumstances that competitive democracy comes at the expense of the interests of some people, thereby maximally realizing the democratic rights of the masses.

Consultative democracy at the local and grassroots levels can expand citizen participation and encourage consultations and dialogues through different forms of institutional platforms. In terms of democratic consciousness and cultural development, we can form a political culture of rationality, tolerance, compromise, and consensus through continuous participation in practice. As far as the construction of China's socialist democracy is concerned, China's deliberative democratic system is determined by government-led issues, procedures and results, and the people are actively involved in consultation and supervision. The current policies and laws regulate the negotiation boundary, which clearly reflects the party, the organic unity of the leadership of the people and the masters of the people, and the rule of the country shows the elegance of the socialist political development path with Chinese characteristics.

Without doubt, China's consultative democratic system also faces many challenges. The structure of the system of consultative democracy still needs to be improved, and people lack awareness on consultation. There still exists the phenomenon that "consultations are carried out arbitrarily," the scruples about "trying

[34] Wang Puqu, "Consultative Governance in China and the Realization of Human Rights," *Journal of Peking University* (Philosophy and Social Sciences Edition) 2012, Issue 6.

not to offside" or "trying not to fight for power," and the system paradox of "proposals returning to the parental home". To truly implement the *Opinions on Strengthening the Construction of Socialist Deliberative Democracy* and to effectively promote the development of consultative democracy, the ruling party must first emancipate the mind, change the ideology, promote intra-party democracy, and promote the development of inter-party democracy through demonstrations and improve the system of people's congress and the system of community-level democracy. Second, we will further promote the practice of consultative democracy, and conduct consultations fully and reach consensus before major Party and government decisions are made. We will focus on the cultivation of professional consultation organizations in various fields and the construction of their consultation capabilities. Meanwhile, legislation and decisions are made by voting. Advancing consultative democracy does not mean simply excluding electoral democracy. In order to achieve the purpose of consultative democracy in legal decision-making and enhancing consensus, it should be integrated organically with electoral democracy in order to demonstrate the important characteristics and advantages of China's socialist democratic politics, promote China's democratic political construction, and improve China's capacity for governance.

Chapter 8
China's Community-Level Self-governance System

Xiaohong Tian

A dualistic urban-rural governance system is implemented in the community-level society in urban and rural areas in China. Urban citizens are called residents, while rural citizens are called villagers.

A self-governance system is implemented in the community-level society in urban and rural areas.[1] Self-governance of urban citizens is called residents' self-governance, while self-governance of rural citizens is called villagers' self-governance. Residents' self-governance and villagers' self-governance began in the 1950s and 1980s, respectively.

The dualistic urban-rural community-level self-governance system is the community-level social governance system with Chinese characteristics and an important part of China's political system. The electoral system for the leaders of the community-level self-governance organizations and the democratic management mode of public affairs not only reflect the great changes in China's economic and social relations, but also continuously promote the continuous development of the democratic process of the entire Chinese society.

[1]The "masses" or "the people" is another name for Chinese citizens under the leadership of the Communist Party of China. Article 111 of the Constitution promulgated in 1982 stipulates that the residents' committees and villagers' committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-governance at the grassroots level. The chairman, vice-chairmen, and members of each residents' or villagers' committee are elected by the residents. Therefore, the self-governance of urban and rural residents in China is collectively referred to as self-governance of the masses.

X. Tian (✉)
Beijing, China
e-mail: belongtoyoung@163.com

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1 Formation and Initial Structure of the Dualistic Urban-Rural Community-Level Self-governance System

The implementation of the dualistic urban-rural self-governance system in China stems from the planned economy system established in the 1950s. According to the pattern of this institutional arrangement, different management systems were formed in the community-level society.

The implementation of the dualistic urban-rural governance system is an important institutional support for the highly centralized planned economy and the industrialization process in the socialist construction period of the PRC with a severe imbalance between urban and rural development. China has a large population, a large proportion of which is rural population, so the accumulation of industrialized capital requires continuous support from agricultural resources. In order to nurture industry by agriculture, as early as 1953 at the beginning of industrialization, a system of a state monopoly for purchase and marketing for grain was established.[2] Under this system, grains were rationed to the personnel of government agencies, groups, schools, and enterprises in cities through their organizations, while grain coupons were rationed to citizens without work affiliations to purchase grains. Grains were rationed to urban residents strictly. In this way, it was necessary to divide citizens according to their identity to determine whether to supply them with food, and this led to the formation of the pattern of dualistic urban-rural governance in China.

Under the dualistic urban-rural governance system, citizens were divided into urban residents and farmers and were governed in accordance with the household registration system.[3] Urban and rural household registers could not be selected freely, urban residents and farmers were not allowed to flow freely, and household register identities were inherited based on family origin. In order to adapt to the pattern of dualistic urban-rural governance, it was necessary to establish a supporting grassroots governance system.

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[2]"State monopoly for purchase and marketing" began in 1953 based on the policy of the planned economy on agricultural products. That is, the central government implemented planned purchase and planned supply of agricultural products, which was referred to as "state monopoly for purchase and marketing". Since then, farmers no longer had the right to freely dispose of agricultural products. This policy opened the door to the rural planned economy.

[3]The "household registration system" began in the Shang Dynasty from the seventeenth century to the eleventh century B.C., where local officials registered the population of the areas under their jurisdiction based on households. Since then, it has been adopted throughout the dynasties of China. Historically, in addition to serving as the basis for conscription and taxation, the main function of the household registration system was to govern the people and to maintain social stability by restricting the flow and migration of people. After the founding of the People's Republic of China, it continues to be used. In order to support the planned economy, the Central Government promulgated the *Regulations on Household Registration of the People's Republic of China* in 1958, which officially separated Chinese citizens into farmers and urban residents by "agricultural registered permanent residence" and "non-agricultural registered permanent residence" and imposed strict restriction and control on free flow and migration between urban and rural population.

The CPC abolished the traditional Baojia system after gaining state power.[4] But under the pattern of dualistic urban-rural governance, what kind of system should be used to govern urban residents at the grassroots level was an urgent issue facing the cities. At that time, Peng Zhen,[5] the leader of the CPC who had promoted community-level elections during the wartime, suggested implementing community-level self-governance of urban residents to allow the masses to manage their own affairs and charities based on his own experience and basic concepts of democracy by summing up the local experience. His proposal was accepted by the central government.

Undoubtedly, in the early years after the founding of the People's Republic of China, if a direct government management approach was implemented, it meant that a large number of officials should be appointed. The salaries, corresponding benefits, and administrative expenses for a large number of officials could hardly be afforded by the government's financial resources at that time. On the other hand, although the Baojia system was abolished, the concept and model of traditional Chinese social governance at the community level, i.e., the establishment of a strict community-level organization to exercise self-management through the organization's internal connection mechanism, has reasonable and practical value. However, the CPC has added to its political philosophy the principle of "the people being the masters of the country." Therefore, a new type of community-level self-governance has become a realistic choice. At that time, China was learning the ex-Soviet's experience, the governments at various levels were called the people's committees, so the primary-level urban organizations were called residents' committees.

In December 1954, the 4th Session of the 1st NPC Standing Committee promulgated the *Organic Regulations of the Urban Residents' Committees*, which more systematically stipulated the nature, tasks, scale, and organizational structure of residents' committee as well as their relations with the governments at the primary level. Urban communities started to generally implement a self-governing residents' committee system.

The establishment and organizational system of residents' committee mainly includes the following: according to the residents' residential conditions and the household register management areas established by the public security departments, a residents' committee generally covers the residents of 100–600 households, and a residents' group covering residents of 15–40 households was established under a residents' committee. The number of residents' groups under a residents' committee

[4]The Baojia System is an organizational system for community-based social management created in the Song Dynasty. "Jia" and "Bao" were both social organization units. "Jia" and "Bao" took households as basic units, that is, a certain number of households were classified as "Jia" and a certain number of "jia" were classified as "Bao." In this way, the whole society was woven into a tight net to exercise strict management of the people. Once one person committed a crime, his family, clan, or even his neighborhood were involved, so it was considered a very evil social management system.

[5]He was appointed major of Beijing in 1951. In 1980, he served as the deputy chairman of the Constitution Amendment Committee and directly chaired the constitution amendment work. In 1983, he served as the chairman of the Standing Committee of the National People's Congress.

should be no greater than 17. A residents' committee has 7–17 members, composed of one member from each residents' group, and a chairman and 1–3 vice-chairmen should be recommended by members of the committee, one of whom is in charge of women's work. A residents' group has a leader, generally concurrently assumed by a member of the residents' committee. When necessary, one or two deputy leaders can be elected. A residents' committee usually does not have a working committee, but if it is too large in scale, working committees for social welfare, public security, culture, education and health, mediation, and women could also be set up.

According to the regulations in those days, the term of office of the residents' committee should be one year. In order to guarantee self-governance, the residents' committee and the government's work department had a relationship of business direction rather than a leadership relationship.

The members of a residents' committee did not have salaries. The incidental expenses of residents' committees and the living allowances of their members were borne by the government. This was mainly because the residents' committees had neither belongings nor much economic income, so members of the residents' committees needed to receive subsidies from the government.

The residents' self-governance system established in 1954 was on the premise that the residents' committees covered all residents, and through this kind of mass organizations, the residents managed their own affairs and realized self-management. However, with the advance of industrialization, especially after the planned economy system was fully established, the unit ownership system was established in urban areas. The vast majority of urban residents lived in the residences of state-owned units, i.e., enterprises, public institutions, or government organs. Even there were a small number of non-state-owned units; they were collectively owned. The wages, housings, and other benefits and daily needs of individuals were mainly supplied by various units. Every unit built and allocated divide housings uniformly, so working-unit courtyards or communities were formed. In such an economic and social structure, urban primary-level self-governance was objectively replaced by unit self-governance. Since residents' work and living benefits were mainly related to their working units, and in this pattern, residents' committees gradually became the supplements to the urban unit ownership system, and the directors of residents' committees were largely assumed by older women who had no full-time work.

According to the regulations on residents' self-governance, residents' committees were mainly responsible for handling affairs related to residents' public welfare, reflecting their opinions to the government, mobilizing residents to respond to the calls of the government and abide by the laws, directing public security work, and mediating civil disputes. However, after the planned economy system was established, in addition to responding to the government's calls and mobilizing residents to participate in various political movements, their self-governing function was also transformed into fulfilling the tasks assigned by the government. Therefore, residents' committees objectively became the "legs" of the government. Members of residents' committees were often elected through consultations because there was no standardized procedure. Without doubt, the primary-level governments played a decisive role in the consultation process.

In rural areas in China, township and village governments were initially established after 1949 in various places. In those days, the state implemented land reform and forcibly distributed the land of the rich farmers evenly to ensure that each household could get a certain amount of arable land. But shortly thereafter, as a result of the advancement of rural collectivization, farmers were forced to hand over their land to cooperatives, thereby objectively canceling farmers' land ownership. Immediately afterwards, the people's commune system was introduced after 1958. From a legal perspective, self-governance was not implemented at the grassroots level in rural areas. However, things in rural areas are different from those in urban areas, Chinese villages are the residences of farmers from generation to generation. The villages share common cultural, economic and social connections, and therefore had a strong sense of ascription to the community. It was difficult for the government to appoint officials to manage villages, and objectively they were in a state of self-governance for a long time. The people's commune system was the structure of a planned economy established in conformance with rural self-governing entities.

According to the *Regulations on the Work in Rural People's Communes (Amended Draft),*[6] the rural people's commune was an organization integrating government administration with commune management, a primary-level rural unit of the socialist society and a primary-level rural unit of socialist power. As the people's commune was formed on the basis of a high-level agricultural production cooperative, it was then identified as a socialist collective economic organization, which implemented the principle of distribution according to performance.

In the internal structure of the people's commune, there were three levels: the commune, the production brigade, and the production team, so the system of three-level collective ownership with the production team at the basic level was established. The commune was economically a joint organization of production brigades, and production brigades were the basic accounting units. A production team was a unit that directly organized production and collective welfare undertakings. The commune was actually a government organ, and the salaries of staff of the commune were paid by the government finances. A production brigade was basically established on the basis of villages and retained the community tradition of villages. The land was collectively owned by the brigade, and the brigade implemented unified accounting and was responsible for its own profit and loss; the production teams were divided according to unincorporated villages or residences. In fact, the production team was actually responsible for its own profit and loss, and the land was owned by the production team.

Under this three-tier structure, leaders at the commune level were required to participate in labor for a certain number of days according to different work conditions, and the minimum number of days in a year should not be less than 60. Leaders at the production brigade and production team levels should participate in labor and their work was evaluated and their workpoints were allotted as ordinary commune members. In general, leaders of each production brigade should participate in labor in a fixed production team. In order to ensure that the income of leaders of production

[6]Promulgated by the CPC Central Committee on June 15, 1961.

brigades and production teams were not reduced due to absence from work, fixed subsidies or allowances for absence from work were provided to them according to their workload. The subsidized workpoints of the leaders of a production brigade or a production team were generally around 2% of the total workpoints of the brigade. This provision showed that production brigades and production teams practically implemented self-governance economically, and higher level governments did not bear their administrative costs. In an economic sense, the self-governance nature of villages has never disappeared.

Based on the idea of the people being the masters of their own affairs, the people's commune system introduced some modern democratic mechanisms. There were many regulations on democratic management: major affairs at all levels of the people's commune, such as production plans, distribution plans, and financial budgets and settlements, capital construction, etc., should be all decided by the members' representative assemblies or members' assemblies at various levels, and should not be decided by a few people of the management committees; members of the management committees and supervisory committees of the people's communes at various levels should be elected by the members' representative assemblies or members' assemblies at various levels; the term of office of leaders at the commune level should be 2 years, and that of the production brigade and production team should be 1 year; members of the management committees and supervisory committees of the people's communes at various levels might be removed at any time by the original electoral units. The members' representative assembly and members' assembly at various levels of the people's commune should be held regularly. The members' representative assembly at the commune level should be held at least twice a year, the members' representative assembly and members' assembly at the production brigade level should be held at least four times a year, and the members' assembly at the production team level should be held least once a month; the representatives of the members' representative assembly at the commune level were reelected once every 2 years, and the representatives of the members' representative assembly at the production brigade level were reelected once a year. The representatives of the members' representative assembly must have broad representativeness, and the members' representative assembly should be attended by representatives engaged in various businesses, including experienced old farmers, youth and women, members of ethnic minorities, dependents of overseas Chinese, and returned overseas Chinese.

Therefore, the people's commune system was actually a system for high degree self-governance of rural economic affairs. On the basis of the economic autonomy, members elected leaders, and meanwhile, members' representative assemblies at various levels exercised decision-making power on major issues. Therefore, although the self-governance nature of the people's commune was not specified in name, the people's commune actually had more autonomy power than urban residents' self-governance.

However, because the planned economy was a mobilization-based system, economic development indicators were issued directly by the central government, and the various systems of the people's commune were objectively not fully implemented. Meanwhile, the household registration system established in the planned

economy period severely restricted the free flow of farmers. Members not only had to work collectively, but also needed to ask for leave if they wanted to leave the villages. As a result, the system originally designed based on the idea of the people being the masters of their own affairs in fact imposed strict restrictions on the daily life of farmers, and the self-governance system was objectively distorted.

Before China's economic system reform in 1978, the entire community-level society was managed according to a dualistic urban-rural governance system. This pattern has undergone tremendous changes since the economic system reform in 1978. However, China in reality is the development of historical China, and the urban-rural self-governance system afterwards still bears the characteristics of the self-governance system formed in the early days of the founding of the People's Republic of China.

2 Establishment and Structure of Villagers' Self-governance System

On November 24, 1978, a political event of great historical significance to China's reform and opening-up occurred in China. That is, 18 farmers in Xiaogang Village, Fengyang County, Anhui Province, could not stand the hunger, so they held a meeting to discuss entrusting the farmland owned by the village collective to individual households and vowed that even if they were killed and jailed, they would not grudge. The most basic practice was to allow former households to have the decision-making power in production. In other words, the collective arable land was distributed to individual households and independently managed by individual households. The most important thing was that the collective labor system had since been abolished, and the grains and other crops that people obtained through production were completely owned by households except for taxes.

The Xiaogang Village event opened the door to the reform of China's rural economic system. With the support of the central government, the reform was soon promoted in the vast rural areas of the country. Every farmer household in the country was allocated with some plots of land, and in most places each person was allocated with an average of more than 1 mu of land.[7] This production and management system has greatly stimulated the enthusiasm of farmers for production, and China's rural areas have undergone drastic changes since then. In 1978, China's total grain output was 304.77 million tons, and this figure rose to 379.11 million tons in 1985 and 446.24 million tons in 1990.[8]

In 1981, the reform of the rural economic system with the basic content of "fixing farm output quotas for households" was basically promoted throughout the country. Since then, farmers gained freedom of movement and were allowed to run businesses or work in cities. Farmers' self-determination in production and their relatively free

[7] *China Statistical Yearbook 2008*, China Statistics Press, 2008, p. 457.

[8] *China Statistical Abstract 2011*, China Statistics Press, 2011, p. 122.

flow led to the loss of the foundation of the people's commune system based on collective labor, and the basic social management system matching the people's commune also totally malfunctioned.

Rural officials used to be completely docile and obedient to higher level governments and were responsible for implementing the policies of higher level governments. This was a grassroots management mode compatible with the people's commune system. However, after completely autonomous production and operation were realized, officials no longer had the power to manage production, and consequently officials' power to social management was rapidly lost. The most fundamental change was that in the people's commune system, collectives had the power to the management of means of production and the power to the distribution of means of living. Farmers collectively farmed collective land, and grains were distributed by collectives. Formalistically, farmers seemed to be supported by collectives, and farmers had a strong dependence on collectives and of course on officials. However, after farm output quotas were fixed by individual households, each household had its own right to the use of the means of production and considerable decision-making power, and taxes and village-level public welfare benefits should be collected from farmers by rural officials. The previous "giving" status of grassroots officials was transformed into the status of "demanding." The change in the status from giving to demanding had given farmers a sense of a master, which had led to a comprehensive change in rural social and political relations.

After the people's commune system was abolished in 1982, a new problem and a major political challenge facing China after the reform of the rural economic system were to establish an effective rural grassroots management system to replace the mobilization-based system. The breakthrough of China's reform often begins at the local level, and the central government often respects local experiments.

After the policy of fixing farm output quotas for individual households, some very valuable institutional explorations of social management appeared in some rural areas. The event with the most typical significance was the village election and establishment of a villagers' committee system in Guozuo Village, Sancha Commune, Yishan County, Guangxi Zhuang Autonomous Region. Without doubt, the village election and establishment of villagers' committee in Guozuo Village was the objective need for realistic development.

After the disintegration of the people's commune system, although farmers gained the decision-making power in production, the village-level public affairs also fell into a state of neglect. In those days, such was the case in Guozuo Village, and particularly the social order was very bad. Therefore, the villagers believed that there should still be a village-level organization to manage the village's public affairs. However, they also believed that the leaders of the village organization should be elected by villagers. Therefore, on February 5, 1980, 85 of the 125 villagers in Guozuo Village sent representatives to participate in the election. A total of six village leaders were elected, and the village organization was named a villagers' committee.[9] This event was reported

[9]Shi Weimin et al., *The Historical Development and Comparative Study of the Elections of the Chinese Villagers' Committee* (Part I), China Social Science Press, 2009, p. 2.

to the central government in 1981. At the time, Peng Zhen, vice-chairman of the NPC Standing Committee, was in charge of amending the Constitution, and he showed great concern about this election event. This was closely related to his personal experience in the promotion of rural elections in the Shanxi-Chahar-Hebei border area during the Anti-Japanese War. Without doubt, it was also directly related to his insistence on implementing the residents' committee system in cities in the early days after the founding of the People's Republic of China. Therefore, he strongly advocated that the new rural system should emphasize villagers' self-governance, let farmers directly elect village leaders, and grassroots affairs should be handled according to the wishes of the masses. It was precisely because of Peng Zhen's insistence and strong support that Article 111 of the *Constitution of the People's Republic of China* adopted in December 1982 clearly states: "The residents committees and villagers committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents or villagers committee are elected by the residents. The relationship between the residents and villagers committees and the grass-roots organs of state power is prescribed by law."[10] This provision laid the constitutional foundation for community-level governance.

However, the enforcement of the Constitution in China is quite a complicated political process. First of all, to make an article of the constitution a systematic law so as to establish a legal implementation rule, this requires to formulate a new special law; second, how to implement a special law in villages and make it a true basic rule for regulating the political life of villages requires particularly the political wisdom and professional administrative skills of the executive officers responsible for law enforcement.

At that time, China's rural political transformation has exactly encountered two very important opportunities. The first important opportunity was that Peng Zhen was elected the chairman of the Standing Committee of the 6th National People's Congress in 1983. He was the most suitable candidate for presiding over the formation and adoption of the organic law of the villagers' committees. The second important opportunity was that in 1988, the Ministry of Civil Affairs set up a grassroots political power construction department, and a rural division was set up within the department to implement villagers' self-governance.

How to establish a system of villagers' self-governance? Article 9 of the *Organic Law of the Villagers' Committees* (for Trial Implementation) stipulates that the chairman, vice-chairman or vice-chairmen, and members of a villagers' committee shall be elected directly by the villagers. The term of office for a villagers' committee shall be 3 years, and its members may continue to hold office when reelected. The direct election of Village leaders is a major grassroots reform of Chinese politics.

In China's political system, any leadership position is usually elected by indirect election. Therefore, the *Organic Law of the Villagers' Committees* under draft stipulates that the villagers' committee should directly be elected by the villagers. Although this was in line with the provisions of the Constitution, it still aroused

[10] *The Biography of Peng Zhen* (Vol. 4), Central Party Literature Press, 2012, p. 1515.

serious controversy at that time. The focus of the controversy was that many people believed that the quality of villagers was too low to practice self-governance, and particularly, direct elections would definitely cause instability in the rural society. In response to various controversies, at the time, Peng Zhen proposed the famous theory on "course for democracy study": "the grassroots self-governing organizations were a course for democracy study for one billion farmers; farmers could learn democracy here, it was a learning course and an internship course; as a socialist country, if we did not even give such self-governing power to the people, but just required them to perform the tasks arranged from top to bottom, in the long run, this was not viable; if 800 million farmers could manage their own affairs, democracy would become a habit, which was the foundation of long-term stability."[11] His understanding of democracy objectively represents the basic common understanding of the 2nd generation of central collective leadership with Deng Xiaoping at the core that is, China's political system should be based on law-based governance and community-level democracy.

Peng Zhen used his rich political wisdom to persuade various objections. On November 24, 1987, the 23rd Session of the Standing Committee of the 6th National People's Congress adopted the *Organic Law of the Villagers' Committees of the People's Republic of China* (for Trial Implementation). Without doubt, the words "for Trial Implementation" indicated the result of a compromise. The law was implemented on a trial basis on June 1, 1988.

After the law was enacted, how to implement it was also a huge problem. It took several years to formulate the law, and the challenge of universal direct elections in rural areas was even more daunting. However, the Grassroots Political Power Construction Department within the Ministry of Civil Affairs is fully responsible for promoting community-level self-governance. Such an administrative framework arrangement provides institutional guarantees for village elections. By 1994, direct elections of villagers' committees were generally held in rural areas across the country, which had a wide and positive social and political impact.

In view of the good results of direct elections by village-level organizations, the Standing Committee of the National People's Congress adopted the new *Organic Law of the Villagers' Committees of the People's Republic of China* in 1998, which systematically regulated villagers' self-government and entered a more standardized legal system. In 2010, the National People's Congress revised and perfected this law again, and villager autonomy gradually matured.

According to the law, a villagers' committee is a mass organization of self-governance at the grassroots level, in which villagers manage their own affairs, educate themselves, and serve their own needs. It shall manage the public affairs and public welfare services of the village, mediate disputes among the villagers, help maintain public order, and convey the villages' opinions and demands and make suggestions to the people's government.

Villagers' committees shall be established in light of the residential distribution and population size of villagers and on the principle of facilitating self-government

[11] *The Biography of Peng Zhen* (Vol. 4), Central Party Literature Press, 2012, p. 1522.

by the mass, economic development, and social management. A villagers' committee may, on the basis of the residential distribution of villagers and the collective ownership relationships of land, establish a number of villagers' groups. A villagers' committee shall be composed of three to seven members, including the chairman, the vice-chairman (vice-chairmen), and the members.

According to statistics, as of 2012, there were 589,653 villagers' committees throughout the country, among which the villagers' committees with less than 1,000 households under its jurisdiction accounted for an overwhelming majority of 76% of the total number, reaching 450,353; the number of villagers' committees with 1,000 to 3,000 households under its jurisdiction was 117,329, accounting for 20%; the number of villagers' committees with over 3000 households or close to a population of 10000 under its jurisdiction was 21,971, accounting for nearly 4%.[12] The number of chairmen, vice-chairmen, and members of the villagers' committees was 2,319,406, with an average of about 4 in each village. Under a villagers' committee there are villagers' groups. There were 4,763,680 villagers' groups nationwide, with an average of eight in each village. There were 1,929,056 natural villages in the country, with an average of three natural villages under a villagers' committee. However, the villages in the plain areas are relatively large in size. For example, the villages in Hebei Province are mainly located in the Central Hebei Plain. There were 48,969 natural villages in the province, and there were only 64,190 villagers' groups, and almost every natural village had established a villagers' committee. But in the mountainous and hilly areas, villagers are scattered here and there among the valleys. For example, there were 14,355 villagers' committees and 167,788 natural villages in Guangxi Zhuang Autonomous Region, each villagers' committee has an average of 11.7 natural villages under its jurisdiction, which also reflects the community characteristics of rural self-governance.[13]

After the reform of the economic system, the functions of village power organizations have undergone tremendous changes. In general, the villagers' committee is responsible for the service and coordination of production in a village to promote rural production and economic development. Meanwhile, the villagers' committee must also manage the collectively owned land and other properties in the village. In fact, the chairman of the villagers' committee becomes the legal person of a village. The villagers' committee should safeguard the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of operation by households under a contract and ensure the lawful property right and other lawful rights and interests of the collective economic organizations, villagers, household operations under a contract, associated households, and partnerships. The villagers' committee should also deal with the following matters that involve the interests of the villagers: the number of persons who enjoy subsidies for

[12]The above data on the villagers' committees are all quoted from *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, p. 637.

[13]Ibid., p. 641.

work delayed and the rates for such subsidies; use of the profits gained by the collective economic organizations of the village; proposals for raising funds and labor for running public welfare undertakings and for construction contracting in the village; proposals for land contracting and management and for establishing and contracting the collective projects of the village; proposals for the use of house sites; proposals for the use and distribution of such fees as land compensation fees; and matters that involve borrowing, leasing, or disposing of village collective property, etc.

The villagers' committees should also be responsible for mediating disputes among the villagers and helping maintain public order, which is also their regular task. It is particularly noteworthy that under the conditions of a market economy, there are often disputes related to economic and social affairs in the countryside. Based on the Chinese rural traditions, disputes are often handled through mediation by the villagers' committee rather than appealing directly to the court. Therefore, the villagers' committees' self-governance function includes both economic autonomy and social and political autonomy.

After the policy of fixing farm output quotas for individual households, township and village enterprises began to appear in rural areas, and the economy of some villages along the eastern coast developed rapidly. In the development of township and village enterprises, some villages began to establish their collective enterprises, and these villages began to have collective income from the enterprises. However, the vast majority of underdeveloped villages did not have income from village-run enterprises. They basically relied on the income of collective land to maintain the operation of village public affairs, and these villages had basically no financial resources for their public welfare undertakings.

After 2001, with the implementation of the policy for new-type countryside construction, especially the implementation of the policy for minimum subsistence allowances in rural areas, rural public affairs and public welfare affairs began to increase, and the villagers' committees have the power to allocate public resources. Taking the year 2012 as an example, 69 billion Yuan of government fund was allocated for rural subsistence allowances, the fund for livelihood guaranteed in five aspects was 14.4 billion Yuan, and the fund for rural medical assistance was 11 billion Yuan.[14] The allocation of these funds, especially the identification and implementation of the poor population, was mainly under the charge of the villagers' committees. Therefore, the villagers' committees have the function of managing public welfare undertakings. With the increase of public management affairs, the financial management of a village is also an increasingly arduous task. Therefore, the leaders of the villagers' committees began to receive a certain amount of living subsidies from government finances.

In addition, according to statistics, in 2011, based on the financial indicators for the accounting system of administrative institutions, the original value of fixed assets of the villagers' committees nationwide was 104.6 billion Yuan, and this year's income and expenditure was 56.2 billion Yuan and 49.5 billion Yuan, respectively. Based on

[14]Quoted from *Statistics Quarterly Report of the Ministry of Civil Affairs on Social Services–the Fourth Quarter of 2012* on the website of the Ministry of Civil Affairs of China.

the financial indicators of the accounting system for enterprises, the original value of the fixed assets of the villagers' committees nationwide was 19.9 billion Yuan, and this year's income was 227 million Yuan. Based on the financial indicators of the accounting system for non-government non-profit organizations, the original value of the fixed assets of the villagers' committees nationwide was 16.6 billion Yuan, and the total revenue of the year was 21.8 billion Yuan.[15] These data show that village-level public affairs and public activities are becoming more diverse and complex, and villagers' self-governance has more and more abundant and specific economic and social contents.

3 "Mass Election" and Democratic Management: The Direction of Rural Democratization

In the early days after implementing villagers' self-governance, although there were constitutional and legal provisions, China's objective reality was that there were policy options that developed toward two directions. One was to routinely strengthen the top-down management function of villagers' committees and place villagers' participation in a secondary place; the other was to implement self-governance according to the democratic procedures and norms to realize villagers' self-governance and community-level democracy. The policy direction of villagers' self-governance in China is still the development direction of community-level democratization. Without doubt, this is the result of the benign interaction between the villagers and the government, while the important engine to promote the development of villagers' self-governance toward democratization is "mass election."

"Mass election" simply means a free election without candidates. The most important characteristic of this election mode is that a piece of "blank paper" is used as a ballot, that is, during the election of a villagers' committee, candidates are completely determined by the "blank paper" ballots and then villagers cast votes to elect from the candidates elected by the "blank paper" ballots the chairman, vice-chairman, and other members of the villagers' committee. The "mass election" story took place in Ping'an Village, Shuanghe Township, Lishu County, Jilin Province.

In the winter of 1991, the election of the 2nd villagers' committees was held throughout Lishu County. In that year's election, the competition in some villages was very fierce, and Ping'an Village in Shuanghe Township was one of them. At that time, there were four people competing to be the chairman of the villagers' committee. The intricate relationship between the competitors made it difficult for the township government to make coordination. Moreover, both the candidates and the villagers asked the superiors not to interfere and let the ballots decide whom to choose. At that time, Fei Yuncheng, the county leader in charge of election affairs, strongly advocated democratic election and insisted not to interfere in villagers'

[15] Quoted from *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, pp. 642–643.

elections. During the election of the first villagers' committees, he strongly supported the competitive election in the Beilaohao Village in the county. Therefore, when he heard about the thing in Ping'an Village, he strongly supported the villagers' request and let the voters decide whom to choose, and the government at the higher level must not interfere with the election. As a result, the villagers of Ping'an Village used the blank paper as ballots and elected the chairman, vice-chairman, and members of the villagers' committee after four rounds of voting.

At that time, some villagers said that it took four rounds to elect the leaders of the village and this was like looking for a needle in the sea; they called the election "hai lao."

The creation of history often has a certain contingency. In the winter of 1992, Mr. Gibney, a reporter from *Newsweek*, went to Lishu County to cover the election of the villagers' committee. Fei Yuncheng discussed with the elected leaders of Ping'an Village how to introduce the election, and he believed that "hai lao" sounded indecent and abnormal and as an election, it should be called "hai xuan (mass election)."[16] Thus, the term "mass election" came into being. Since 1992, "mass election" officially became synonymous with the democratic election of villagers' committees. At that time, the Department of Social Administration at the Grassroots Level of the Ministry of Civil Affairs in charge of electoral affairs also fully affirmed it and promoted it to the whole country as an experience.

Undoubtedly, "mass election" is a revolution in the electoral system with Chinese characteristics. As the voters directly decided the candidates, the nomination power of the government at the higher level and political parties was objectively canceled, and the practice of deciding the village leaders by the government at the higher level for a long time was also canceled. In China's system, the affirmation of an experience by the central government can often lead to active imitation elsewhere in the country. Therefore, the "mass election" that has been continuously improved in practice has become the basic system of villagers' self-governance in China and undoubtedly plays the role of an engine in promoting the development of community-level democracy in China.

In 1998, the National People's Congress adopted the new *Organic Law of the Villagers' Committees*, which systematically incorporated the "mass election" method created by villagers. The law clearly stipulates that for the election of a villagers' committee, the villagers who have the right to elect shall nominate candidates directly. The *Organic Law* revised in 2010 further stipulates that the villagers' electoral committee shall organize candidates to meet with villagers, introduce their plans for performing duties after holding office, and answer the questions of villagers. It also stipulates that secret polling booths shall be set up for election. In other words, voters need to queue up for getting ballots and then enter the secret polling booths to fill in the ballots, so the election affairs have been programmed and standardized.

From the promulgation of the *Organic Law of the Villagers' Committees (For Trial Implementation)* in 1988 to 2012, the 8th or 9th villagers' committees were elected in

[16]Edited by Fei Yuncheng: *Exploration and Practice of Villagers' Self-governance,* Jilin Province Internal Information Publication, No. 20110511, 2012, p. 21.

most of the 30 provinces, municipalities, and autonomous regions as provincial-level units nationwide.[17] "Mass election" has been popularized throughout the country.

According to law, a villagers' committee shall implement democratic elections, democratic decision-making, democratic management, and democratic supervision, referred to as "four democracies." Based on democratic elections, democratic autonomy in other areas has also established systematic norms.

In terms of democratic decision-making, there are mechanisms such as villagers' assemblies and villagers' representative assemblies. When important matters involving the interests of all the villagers arise, they must be discussed by the villagers' assembly and the villagers' representative assembly authorized by the villagers' assembly before a decision can be made. A villagers' assembly must be convened if it is proposed by one-tenth of villagers or one-third of villagers' representatives or more.

The villagers' representative assemblies are established because some villages in China have a large population or have the inhabitants scattered here and there. One villagers' representative shall be elected by every five to fifteen households, or a certain number of villagers' representatives shall be elected by all the villagers' groups. The election of villagers' representatives by a certain number of households has established a direct relationship between the villagers' representatives and the number of households represented, and in this way the expression of villagers' opinions can be guaranteed.

According to the law, the villager representative conference is composed of villager committee members and villagers' representatives. Villagers' representatives should account for more than four-fifths of the members of the villager conference and women's representatives should account for one-third. The villager representative conference is convened by the village committee. The villager representative conference is held every quarter. More than one-fifth of the villagers' representatives proposed that the villager representative conference should be convened.

There is also a villagers' group assembly in a village, which is responsible for the management of collectively owned land, enterprises, and other properties belonging to the villagers' group and for the handling of public welfare undertakings. The villagers' group assembly shall be convened with the participation of two-thirds of the villagers at or above the age of 18 or with the participation of representatives of more than two-thirds of households in the village. According to statistics, in 2011, there were 15,053,612 villagers' representatives in the rural areas throughout the country, with an average of 25 in each village. Among them, there were 3,473,426 female representatives, with an average of 6 in each village. A total of 1,583,746 villagers' representative assemblies have been convened, with an average of 2.7 in each village.[18]

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[17] Among the 30 provincial units nationwide, due to the different start times of the statistical term, some began with the promulgation of the Constitution in 1982, and most began with the promulgation of the Organic Law of the Villagers' Committees (For Trial Implementation) in 1988; the election period of the unit village committee varies.

[18] Quoted from *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, p. 641.

In terms of democratic management and democratic supervision, a system of making village affairs public has also been established. All important matters in a village shall be publicized at least once a quarter; if there are enormous collective financial affairs in a village, the financial income and expenditure shall be publicized once a month, and major matters involving the interests of the villagers shall be publicized at any time. The *Organic Law of the Villagers' Committees* also requires establishing a village affairs supervision committee or other forms of village affairs supervision organization in a village to be responsible for the implementation of the systems for open administration of village affairs, and so on; its members should be elected from the villagers by the villagers' assembly or villagers' representative assembly. In addition, an audit system for members of a villagers' committee when they leave office should also be established.

In actual rural life, since the vast majority of villages have no collective enterprises, the common properties of a village are mainly cultivated land and house sites, and there is no need to discuss their changes frequently. For example, the contracting of cultivated land is often unchanged for decades, the house sites remain unchanged for a long time, and the management of economic affairs in a village is simplified, so there are not many matters in a village that need to be frequently decided. However, with the increase of the country's social benefits and the development of public welfare services, especially with the rapid development of China's urbanization process, some changes have taken place in village life and village affairs, and more and more matters need to be decided in village affair management.

Generally speaking, within the democratic management framework of community-level self-governance, China's vast rural areas maintain a self-governance structure of self-management, self-education, self-service, and self-supervision. Its rich, vivid, and vigorous direct democratic practice provides the broadest and deepest social conditions and foundation for the development of socialist democracy with Chinese characteristics.

4 Urban Community Residents' Committees: Reform and Structure of Residents' Self-governance System

In the early years after the founding of the People's Republic of China, the urban grassroots society lacked the function of economic autonomy, and the self-governance of urban residents could only be a supplement to various unit ownership management systems. After 1976, the National People's Congress re-promulgated the *Organic Regulations of the Urban Residents' Committees* in 1980, and Chinese urban residents at the grassroots level entered the legal track again.

In the mid-1980s, China's urbanization entered a stage of rapid development, which brought about a large increase in non-agricultural population. The number of new residents' committee organizations had also increased substantially. In 1983, there were 65,519 residents' committee organizations, while this figure increased to

95,684 in 1988, an increase of 30,165 in 5 years.[19] Due to the continuous expansion of cities and the growth of the urban population, there was an urgent need to adjust the urban grassroots management system to meet the needs of urban residents in their political, economic, and cultural life. On December 26, 1989, the 11th Session of the Standing Committee of the 7th National People's Congress adopted the *Organic Law of the Residents' Committees of the People's Republic of China*, which replaced the *Organic Regulations of the Residents' Committees of the People's Republic of China.*

The new *Organic Law of the Residents' Committees* is a law focusing on the development of democratic self-governance at the grassroots level in cities. Its main purpose is to imitate the experience and institutional mechanisms of rural villagers' self-governance and expand the democratic participation and self-governance of the majority of urban residents.

According to the *Organic Law of the Urban Residents' Committee*s, the organizational structure of residents' self-governance consists of residents' assemblies, residents' committees (internal committees or various working committees), and residents' groups. The law stipulates that the residents' assembly shall be composed of residents at or above the age of 18. The residents' assembly may be attended by all the residents at or above the age of 18 or by a representative or representatives of each household; it may also be attended by the elected representatives of residents' groups numbering 2–3 from each. The residents' assembly shall be convened and presided over by the residents' committee. It shall be convened when proposed by over one-fifth of the residents at or above the age of 18, by over one-fifth of the number of households, or by over one-third of the number of residents' groups. When important matters involving the interests of all the residents arise, the residents' committee must refer them to the residents' assembly for decision through discussion.

An urban residents' committee shall be a mass organization for self-government at the grassroots level, in which the residents manage their own affairs, educate themselves, serve their own needs, and exercise self-supervision. A residents' committee shall be composed of 5–9 members, including the chairman, the vice-chairman (vice-chairmen), and the members. In an area where people from more than one nationality live, the residents' committee shall include a member or members from the nationality or nationalities with a smaller population. A residents' committee shall, when necessary, establish subcommittees for people's mediation, public security, public health, and other matters. The residents' committee may set up residents' groups, the heads of which shall be elected by these groups. A residents' committee shall generally be established for an area inhabited by 100–700 households, and a residents' group shall be established for 15–40 households. The number of residents' groups established by a residents' committee shall be no more than 17.

The tasks of a residents' committee shall include the following: publicizing the Constitution, the laws, the regulations, and the state policies; handling the public affairs and public welfare services of the residents in the local residential area; mediating disputes among the residents; assisting in the maintenance of public security;

[19] Quoted from *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, p. 156.

assisting the local people's government or its agency in its work related to the interests of the residents, such as public health, family planning, special care for disabled servicemen and for family members of revolutionary martyrs and servicemen, social relief, and juvenile education; conveying the residents' opinions and demands and making suggestions to the local people' government or its agency.

The *Organic Law of the Urban Residents' Committee*s adjusts the term of office of the residents' committee from 1 year to 3 years, which is consistent with the term of the villagers' committee. The chairman, vice-chairman (vice-chairmen), and members of a residents' committee shall be elected by all the residents of a residential area who have the right to elect or by the representatives from all the households; on the basis of the opinions of the residents, they may also be elected by the elected representatives of residents groups numbering 2–3 from each. But direct elections were not required in all cases at that time because the social structure of cities at that time was still based on units. The main function of the residents' committees was still to assist the government or its agencies in cities to carry out their work. Therefore, the residents' committees objectively played the role of the government's legs.

However, the economic reforms that started in rural areas soon expanded to cities, and the most important aspect of urban reforms was to allow individuals to run businesses. Meanwhile, some state-owned or collectively owned enterprises were restructured to be joint-stock companies and even auctioned; social insurance systems were also reformed, and the social benefits of the unit ownership system were mostly canceled. The pattern of the unit ownership system was constantly broken, and residents were put under the management of the communities. Along with the weakening of the social functions of urban enterprises, the social management functions of urban communities were gradually strengthened.

Therefore, the concept of community introduced by the academia was written into the organic law of the residents' committees. The Organic Law stipulates that a residents' committee shall develop community service activities for the convenience and benefit of the residents and may also run relevant services.

In 1992, the Ministry of Civil Affairs, which was responsible for residents' self-governance, formally proposed to strengthen the service functions of urban communities. Since then, the cities throughout the county, especially the big cities, have begun to carry out community building on a trial basis. After several years of community building practice, in 1999, the Ministry of Civil Affairs issued the *Implementation Plan for the Work of the National Community Construction Experimental Zone*, which provides norms and guidance on the practice of urban residents' self-governance reform nationwide. In 2000, the central government, in the form of a document, formally requested promoting the construction of urban communities throughout the country.

The main contents of improving the urban residents' self-governance system through community construction are as follows: first, the scale of residents' self-governance jurisdiction is expanded, that is, the number of households under the jurisdiction of a residents' committee is expanded from 100–700 to 1,000–3,000. According to statistics, in 2011, there were 34,087 residents' committees with less

than 1,000 households under their jurisdiction, accounting for 38% of the total; there were 41,747 residents' committees with 1,000 to 3,000 households under their jurisdiction, accounting for 47%; and there were 13,646 residents' committees with more than 3,000 households under their jurisdiction, accounting for 15%.[20] Second, the residents' self-governance was replaced by community self-governance, and residents were replaced by communities as self-governing subjects. Third, the name of the self-governing organization was changed from the residents' committee to the community residents' committee. Fourth, community services and management functions were strengthened.

The purpose of community building is to provide more and better community services. The community services referred to in the document mainly include social assistance and welfare services for the elderly, children, the disabled, poverty-stricken households, and beneficiaries enjoying state pension; services for the convenience and benefit of community residents; social services for communities; and re-employment services and social security services for laid-off workers; and other services such as public health, community environment, community culture, community security, etc.

The deepening of urban reform has led to a large number of workers being laid off from state-owned enterprises. In order to ensure their minimum living standards, the State Council has established a minimum subsistence allowance system for urban residents since 1997. This system only provided minimum subsistence allowances for a small number of people in the initial stage. For example, in 2000, the population living on minimum subsistence allowances in urban areas was only 4.02 million. With the increase of central fiscal expenditures, the population living on minimum subsistence allowances in urban areas increased to 11.7 million in 2001, 20.64 million in 2002, and 22.46 million in 2003. Since then, the number of the population living on minimum subsistence allowances in urban areas has remained at this level for several years.[21] Since the people living on minimum subsistence allowances were mainly unemployed, laid-off or incapacitated people, and they were exactly the people managed by the residents' committees, the residents' committees began to undertake the task of identifying those who needed minimum subsistence allowances. In addition, the funds for minimum subsistence allowances come from the government finance and are allocated by the financial departments through the administrative management system, and finally provided to the poverty-stricken households or individuals through the residents' committees. Therefore, the residents' committees in urban areas are responsible for more government work and their function of management of social affairs has been enhanced.

Most importantly, the residents' committees in urban areas began to have stronger community management functions, not just a supplement to the unit management system, so the residents' committees were no longer informal places of employment, their staff members were no longer composed of retirees, and members of residents'

[20] According to the data of *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, p. 636.

[21] Quoted from *China Civil Affairs' Statistical Yearbook 2012*, China Statistics Press, 2012, p. 143.

committees were getting younger. In 2011, there were 89,480 residents' committees across the country, with 45,3914 members. Among them, the number of members aged 35 and below was 127,616, accounting for 28% of the total; the number of members aged 36–45 was 193,853, accounting for 43%; the number of members aged 46–55 is 106,989, accounting for 24%; the number of members aged 56 and above is 25,456, accounting for slightly more than 5%.[22]

According to the law, the funds needed for the work of a residents' committee and its sources, and the scope, standards, and sources of the financial subsidies for members of the residents' committee shall be specified by the people's government of a city not divided into districts or of a municipal district, or by the people's government at a higher level, and the money shall be provided by it. With the approval of the residents' assembly, appropriate subsidies may be granted by using some of the residents' committee's financial revenues. The office premises for a residents' committee shall be made available by the local people's government through overall planning.

Unlike the rural areas, greater professionalism is needed for the management and service functions of urban residents' committees. Therefore, in the process of promoting the management functions of residents' committees, two approaches have emerged. First, the self-governance function of residents' committees is separated from the management function of communities to strengthen the social self-governance of residents' committees. For example, Shenzhen has made explorations in this regard. The direct election rate of residents' committees in Shenzhen increased from 1.7% in 2002 to 99.87% in 2011.[23] Second, a certain proportion of community officials were appointed, candidates of whom were determined by examinations, and then elections were conducted. For example, in 1999, a full-time community official was appointed for every 200 to 300 households in Shenyang City, and they were recruited from the society based on the principle of fair competition.[24]

Community-level self-governance in urban areas mainly aims to develop the social service function of the community. In 1993, there were only 3,711 community service centers nationwide, and by 2011, the number of community service centers and community service stations had reached 14,391 and 56,156, respectively.[25] The contents of community services cover many areas of the material and spiritual life of the majority of residents. The contents of services have grown from more than 10 items to more than 200 items, covering women, children, the elderly, the disabled, young and middle-aged people and special-care recipients, community-based units, and other groups as well as community health, community culture, community environment, community security, and community guarantee. The development of community services has closely linked residents' self-governance organizations with

[22] Guoted from China Civil Affairs' Statistical Yearbook 2012, China Statistics Press, 2012, p. 632.

[23] "Leapfrog Development Achieved in Shenzhen Community Residents' Committee Election," *Shenzhen Economic Daily*, April 29, 2011.

[24] Pan Xiaojuan, Shi Weimin, et al., *Reorganization of Urban Community-level Power*, China Social Science Press, 2006, p. 299.

[25] Quoted from *China Civil Affair's Statistical Yearbook 2012*, China Statistics Press 2012, p. 154.

the improvement of residents' quality of life; thus community self-governance has more practical management and service contents.

In 2011, the residents' committee implemented the financial indicators of the administrative institution's accounting system. The original price of its fixed assets was 27.3 billion Yuan, and the total revenue this year was 13.2 billion Yuan.[26] These data indicate that the residents' committee has begun to have the function of composite management and services. China's urban community-level self-governance system and contents have undergone structural changes, that is, they have become more of a public management and public service in nature.

With the strengthening of the social management function of residents' committees, the democratization of their elections has also improved. From the perspective of the overall development trend, the election of residents' committees has also begun to emphasize direct elections by voters, and competition elections began to appear in some residents' committees. In 2011, in the plan for the election of the 8th residents' committee of Xiaojiahe Subdistrict Office in Chengdu Hi-tech Industrial Development Zone, Chengdu, Sichuan Province, it was clearly stipulated that after the formal candidates were determined, the community election committee must allow candidates to carry out competitive election activities within 14 days before the formal election; organizational and self-introduction methods should be used in competitive election activities; broadcasters, blackboard newspapers, and other forms can be used to introduce candidates to voters; written materials of candidates should be distributed to voters or posted at public places. Candidates can distribute publicity materials at the time and places designated by the community election committee, answer voters' questions, and carry out open competition election activities. Members of a community election committee should carry out supervision at the election site. The voting rules stipulate that voters should line up and enter the secret polling booths, in turn, to fill in their votes. Only one voter can enter the polling booth at a time to ensure that voters can fill in their votes independently. Voters can cast affirmative or negative votes for candidates or choose other voters or abstain.[27] These rules are quite close to the regulations for the election of villagers' committees.

The reform of China's urban community system revealed the basic direction of the transformation of the urban community governance model. It can be seen that the degree of participation and proceduralization of urban residents are constantly expanding and improving.

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[26] Quoted from *China Civil Affair's Statistical Yearbook 2012*, China Statistics Press 2012, pp. 648–649.

[27] *Notice of Xiaojiahe Subdistrict on Printing and Distributing the Implementation Plan for the Election Work of the Community Residents' Committees*, Chengdu People's Government Network (http://www.chengdu.gov.cn), April 8, 2011.

5 Community-Level Self-governance: A Basic Social Project for Democratic Development in China

The urban-rural community-level self-governance system is a community-level governance system with Chinese characteristics. Due to the serious lack of democratic culture and democratic tradition in China and the lack of experience in the transformation of the organization system in the entire society, this system experienced an extremely arduous process from the constitutional provisions to its implementation. However, more than 30 years ago, constitutional provisions opened the door to community-level democratic self-governance. After more than 30 years of practice, especially the large-scale rural democratic self-governance practice, this bare land of China badly lacking democracy has been improved and yielded fruitful results.

Before the implementation of community-level self-governance, people's perception of democracy remained at the conceptual level. For more than three decades, the democracy consciousness of Chinese citizens has been continuously strengthened. Ordinary people in China's urban and rural areas, especially rural villagers, have been continuously tempered in the practice of democratic elections every 3 years, and their political rationality has been greatly improved. What is especially precious is that 800 million Chinese farmers have continuously demonstrated their political creativity in direct democratic elections. Their sense of responsibility to the country and society and their increasingly rational political behaviors have eradicated the traditional political idea that farmers are of low quality and should be educated. The rich practice of villagers' self-governance proves that democratic political behaviors established on the basis of responsibility to self-interests are healthy and beneficial to the development of the country, and the majority of urban and rural residents are becoming mature modern citizens.

Community-level self-governance has a profound impact on China's political culture. In a fairly long historical period, the Chinese society has emphasized substantive democracy while neglecting procedural democracy, and believes that procedure is merely a dispensable form. It is precisely due to normative construction and technological innovation in the practice of democratic elections at the community level that the Chinese society has begun to pay attention to the procedures and technical values of democracy. For example, the practices, such as setting up secret polling booths in rural elections, and queuing for ballots, have fostered the entire society's compliance with the procedures, and a comprehensive and rational democratic culture has been gradually formed and matured.

Community-level self-governance is a basic social democratization project. Fierce democratic elections every 3 years, daily democratic management, democratic decision-making, and democratic supervision can, in fact, periodically remove undesirable social elements to ensure the harmony and stability of urban and rural society. With the development of the community-level democratic self-governance system, qualitative changes have also taken place in the contradiction adjustment mode of

China's community-level society. The Chinese rural society no longer needs the traditional method of peasant uprising to solve social problems. Community-level democratic self-governance is undoubtedly a fundamental social betterment project. Therefore, the Chinese society has basically achieved modern democratic self-governance, and this has a huge impact on the long-term stability of the entire Chinese society and has laid a solid foundation for the further transformation and modernization of Chinese social and political patterns.

In short, the practice of democratic self-governance of urban and rural residents in China have profoundly changed the existing political ideas of the Chinese people and broadly demonstrated the governance functions of modern democracy. It has fundamentally changed the political behaviors and lifestyles of the people and objectively reshaped the political behaviors of the entire Chinese society, thereby laying a solid social foundation for the democratization process in China's modernization. China's community-level democratic self-governance system will definitely show more and more profound long-term implications and values in the development of democratic politics with Chinese characteristics.

Postscript

In the 40 years since the reform and opening-up, China has entered a period of rapid industrialization and modernization and has rapidly transformed from a poor and backward agricultural country into an industrialized and modern one. In the process of industrialization and modernization, China has explored and formed a system of social institutions with its own characteristics. The socialist political system with Chinese characteristics is the core content of the social system of contemporary China. The successful practice of China's industrialization and modernization has attracted worldwide attention. The successful experience of China's industrialization and modernization is accumulated and reflected in China's systems, especially its political system. It is of great theoretical and practical significance to study, sort out, and summarize the Chinese political system. The Institute of Political Sciences of the Chinese Academy of Social Sciences is an important research institute for political sciences in China. It is committed to the important mission of studying Chinese political practices and theories. The contemporary Chinese political system is one of the topics that the Institute of Political Sciences has been paying close attention to and studying. Since 2010, a research group of the Institute of Political Sciences has carried out studies and compiled the book *China's Political System*, which has been repeatedly amended and has been finally completed. The greatest characteristic of this book is that it has abandoned the formalistically and textually static narrative method that was used to study the Chinese political system in the past, but has adopted the substantive and dynamic description and research methods that suit the actual operation of the political system, thus forming a new paradigm for empirical research and introduction of the contemporary Chinese political system.

This book is the collective research achievement of the Institute of Political Sciences, Chinese Academy of Social Sciences. Many young- and middle-aged scholars have participated in the studies and writing of the manuscripts. Lecturer Zhao Junhua of the Party School of the Inner Mongolia Autonomous Region has also participated in the writing. The book is structured as follows: Introduction (by Fang Ning and Zhao Junhua); Chap. 1 (by Xiao Wen); Chap. 2 (by Fan Peng); Chap. 3 (by Li Guoqiang and Zhao Junhua); Chap. 4 (by Sun Caihong); Chap. 5 (by Xu Haiyan); Chap. 6 (by Tian Gaiwei); Chap. 7 (by Chen Chengxin); and

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